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Annual Report of the Massachusetts Trial Court:

An Executive Summary

1988

Front

The Suffolk County Courthouse Complex in Boston's Pemberton Square is the state's largest judicial building, housing the administrative offices or operation functions of six of the seven court departments of the Trial Court, plus the Appeals Court and the Supreme Judicial Court. On the left is the Old Courthouse which held its first session in 1891, and on the right is the New Courthouse, built in 1937.

Executive Summary

Tenth Annual Report of the Massachusetts Trial Court

Arthur M. Mason

Chief Administrative Justice

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
OFFICE OF THE CHIEF ADMINISTRATIVE JUSTICE
BOSTON 02108

March 1, 1989

Honorable Edward F. Hennessey
Chief Justice
Supreme Judicial Court
Room 1300
New Courthouse
Boston, MA 02108

Dear Chief Justice Hennessey:

It is my pleasure to present to you and the Justices of the Supreme Judicial Court the **Tenth Annual Report of the Massachusetts Trial Court.** This report departs in format from it predecessors. It contains two volumes. All administrative narratives have been incorporated into a 40 page **Executive Summary**, and **Statistical Report,** which is a compilation of all pertinent caseload data for the seven Trial Court departments , the Office of the Commissioner of Probation, and the Office of Jury Commissioner. The year 1988 has produced some of the most dramatic changes to the state judicial system since the passage of the Court Reorganization Act of 1978. This presentation describes those changes and their implications on the Court System.

The Annual Report represents the collegial efforts of the Chief Justices, court administrators, and staff personnel. I would like to extend my thanks to all those involved with the publication of this document, especially Henry L. Barr, Esq., Administrator of Courts. An expression of gratitude must be given to you and the Justices of the Supreme Judicial Court for the continuing cooperation and support in all of your endeavors.

Mr. Chief Justice, we recognize that this is the last annual report of the Trial Court of the Commonwealth to you. With it goes a very special thanks and best wishes to you from the staff of the Office of the Chief Administrative Justice. On behalf of all the justices and personnel of the Trial Court, the best in health and happiness in you upcoming retirement. Without, your leadership and interest the many successes and improvements in the administration of justice in the Massachusetts Court System could not have been achieved.

Sincerely,

Arthur M. Mason
Chief Administrative Justice

AMM/jmo

Dedication

Edward F. Hennessey, Chief Justice of the Supreme Judicial Court

The Annual Report of the Trial Court of the Commonwealth is dedicated to the Honorable Edward F. Hennessey of the Supreme Judicial Court of the Commonwealth of Massachusetts. Chief Justice Hennessey will retire on April 19, 1989, pursuant to the provisions of the Constitution of this Commonwealth.

Chief Justice Hennessey leaves the Judicial Branch of Government with a legacy of accomplishments not only in the development of substantive law but in judicial administration. During his 18 years on the Supreme Judicial Court, 13 of which he served as the Chief Justice, not only has he been the guiding and motivating force for promoting the orderly and effective administration of justice in this Commonwealth, but he also has been a persistent and tireless advocate for insuring access and equal justice under the law to all who appear before the Courts of this Commonwealth.

We have all benefitted from his devotion to the law, his dedication to public service, and his extraordinary contributions to the administration of justice.

The following are a few of the many significant events that have occurred in the Massachusetts Court System during his tenure:

- The Court Reorganization Act.
- Promulgation of rules of civil and criminal rules and Uniform Trial Court Rules.
- The establishment of the Judicial Conduct Commission.
- Creation of the Committee on Judicial Ethics.
- Formation of the Board of Bar Overseers.
- Establishment of the Clients' Security Board.
- Creation of the Massachusetts Committee for Public Counsel Services.
- Establishment of the Massachusetts Legal Assistance Corporation.
- Automation of the Probation Central File.
- Statewide implementation of the one-day or the duration of one-trial jury system.
- Implementation of the Emergency Judicial Response System.
- The creation of the Court Records Preservation Project.
- Passage of "An Act Providing for Additional Judges and Other Judicial Needs of the Commonwealth."
- Passage of "An Act Providing for the Improvement of the Courthouses of the Commonwealth."
- Creation of the Judicial Institute for continuing education programs for judges and court personnel.
- Implementation of case management and delay reduction programs.

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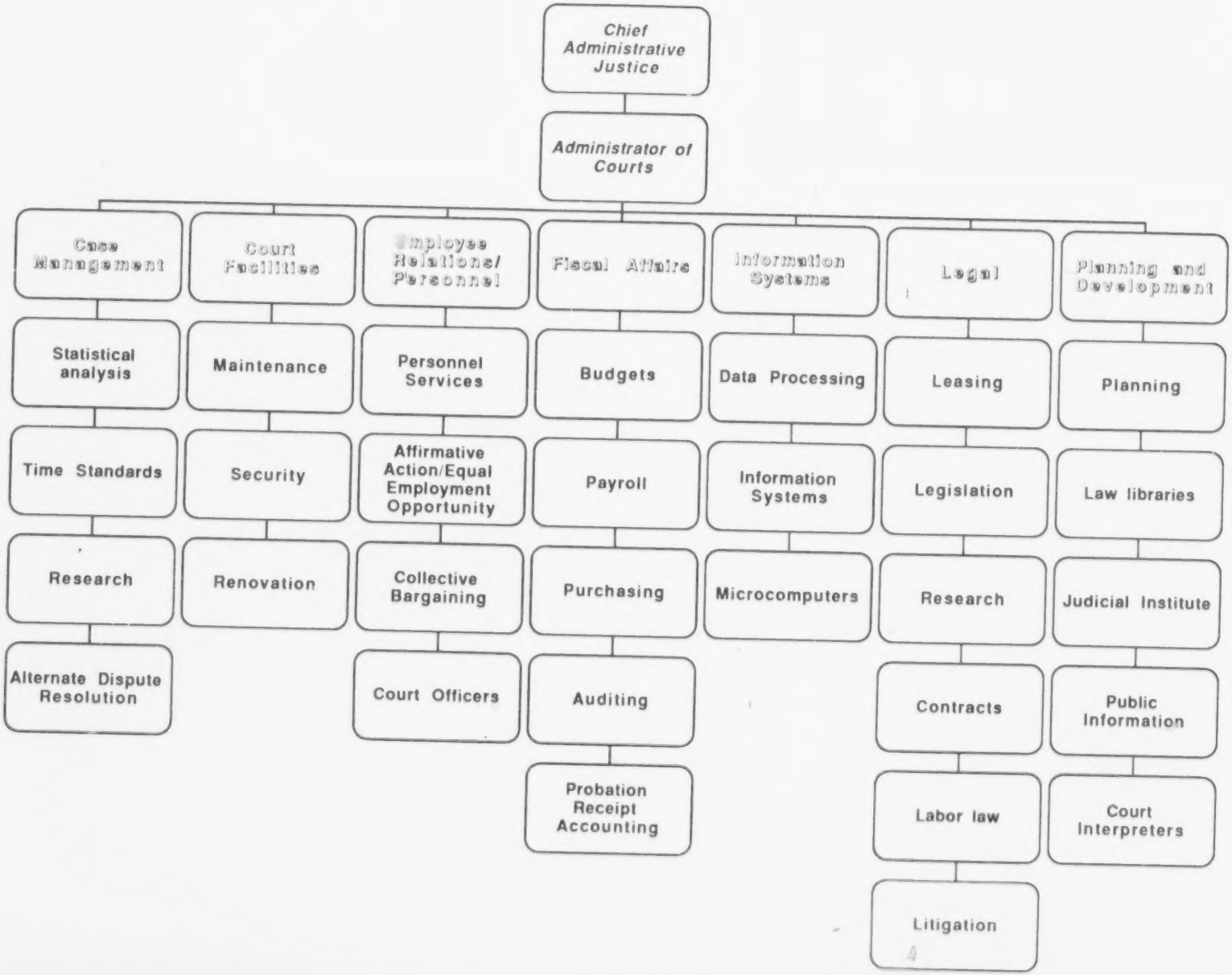
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Office of the Chief Administrative Justice

Administrator of Courts Henry L. Barr

Introduction. The Office of the Chief Administrative Justice celebrated its 10th anniversary in 1988. Created by the Court Reorganization Act of 1978, OCAJ serves as the headquarters of the Massachusetts Trial Court. OCAJ affects all administrative operations in 106 court divisions with 5,500 employees and the Office of the Commissioner of Probation. Whether it is the buying of new computer equipment, leasing a building for court use, or the hiring of new personnel, OCAJ performs a role. Chief Administrative Justice Arthur M. Mason oversees the administration of the Trial Court. His office consists of seven departments: Case Management, Court Facilities, Employee Relations/Personnel, Fiscal Affairs, Legal, Information Systems, and Planning and Development. Each one is managed by a director or a manager.

These departments formerly were located throughout the Suffolk County Courthouse in Boston and at the Middlesex County Courthouse in East Cambridge until late 1988 when OCAJ moved its offices across Pemberton Square to Center Plaza within sight of the Suffolk County Courthouse. For the first time OCAJ staffers were united at one address with the majority of operational functions consolidated at a single location. The move was completed in early 1989.

1988 Highlights. The passage of the Court Facilities bill and the implementation of Civil Time Standards widened the responsibilities of OCAJ. The Court Facilities bill created a Court Facilities Bureau within OCAJ and a similar unit at the state's Division of Capital Planning and Operations and allowed the state to assume control of nine Suffolk County courts and Lawrence Superior Court. Many of these buildings suffered from neglect and lack of repair. More than 200 former City of Boston and Essex County employees transferred to the Trial Court payroll when the state officially took control of these courts on Oct. 1, 1988. The bill allows any other counties opting for state takeover to decide by 1990. On Dec. 15, 1988, Chief Justice Mason appointed Stephen J. Carroll, an experienced state official and superintendent of the Suffolk County Courthouse Complex, as the Deputy Court Administrator for court facilities.

For months the Case Managment Department had prepared for the inception of Time Standards on July 1, 1988. Staffers trained employees in Superior Court Department clerk-magistrates' offices in the automation of Time Standards. The department expanded its mediation program for Suffolk County, and its Triage Program, a screening process for civil entries in Suffolk Superior Court.

The Information Systems Department was formed out of the old Systems/Data Processing Department in 1988. Director Richard Gram was hired in May to lead this department. Gram had acquired extensive automation experience in the private sector. An Automation Steering Committee was formed to study the future of computerization in the Trial Court along with a series of management initiatives affecting statewide automation.

The Fiscal Affairs Department restructured the Trial Court budget by consolidating the accounts for the Housing Court, Juvenile Court, Probate and Family Court, and Superior Court Departments each into a single line item. Fiscal also placed the medical and rehabilitative costs of the Trial Court into a central account.

The enactment of the Court Facilities bill placed the responsibility in the Legal Department to oversee the 14 state-owned court buildings and the leasing of 101 buildings for court use. An administrative attorney was added to the staff to deal with realty matters.

A new three-year collective bargaining agreement was settled in 1988 between the Employee Relations/Personnel Department and the Middlesex Superior Court Officers Association. Minority hiring in the Trial Court rose to 12.3 percent in 1988 versus 11.2 percent in 1987.

In the Planning and Development Department a new document, *A Three-Year Plan, 1989-1991*, was completed which will serve as a blueprint for future Trial Court planning. This office also published *The Reporter*, a monthly newsletter for judges.

Jean Frassica of Fiscal Affairs and Andrea Alley Gregory of Employee Relations/Personnel were honored in 1988 for their roles in promoting the state's COMEC program.

Case Management Department

L-R, Statistical Analyst John Reardon confers with Statistician Paul Johnston.

The Case Management Department supports and coordinates the case management activities of several Trial Court Departments. The Case Management Department is divided into four areas: Time Standards, Statistics and Research, Alternative Dispute Resolution, and Case Management Systems.

Time Standards. In April 1986 the Supreme Judicial Court issued an order, applicable to all civil cases entered on and after July 1, 1988, requiring the disposition of civil cases within 24 months from the date of entry in the Superior Court, District Court, and Boston Municipal Court Departments. Family law contested matters are to be disposed within three months of request for trial by either party, and uncontested matters are to be disposed of within one month from date of request for hearing. Due to their special nature, juvenile matters are also subject to accelerated procedures. To meet the challenges of Time Standards a Special Advisory Committee was established to (1) advise the Chief Administrative Justice as to the implementation of Civil Time Standards throughout the Trial Court and (2) to assist the Chief Administrative Justice in coordinating the efforts of the Chief Justices of the court departments in the implementation and evaluation of various dispute resolution programs. This advisory committee, which meets monthly, is comprised of Justices, court staff, practitioners, and members of the public. The Special Advisory Committee is supported by four subcommittees: Case Mangement, Rules, Court Resources, and Alternative Dispute Resolution. Each participating court department has established a departmental case management committee to plan for Time Standards. The Special Advisory Committee has been a tremendous resource to the several departmental case management committees in the formulation of their case management strategies. Each department's case management committee submitted a proposed written implementation plan to OCAJ for review and comment by the Special Advisory Committee to ensure consistency in these case management implementation plans.

The department most affected by the Time Standards Order is the Superior Court Department. The Superior Court implementation "tracks" upon filing all civil entries immediately. The "Tracking Order," pilot tested in two counties, places all civil entries upon one of three tracks depending upon the nature and complexity of the case. The three tracks vary from 6 to 24 months. At the time of filing, all parties are advised as to which track the case has been placed, and deadlines are established for the completion of discovery and pre-trial motions. At the time of filing, counsel are also scheduled for a pre-trial conference date to be held in the fifth, eleventh, or seventeenth month depending upon the track.

The Probate and Family Court Department Implementation Order requires the delay between request for hearing and hearing of uncontested matters not exceed 30 days. Contested matters are to be tried or otherwise disposed within 90 days from request for trial by any party. The Probate and Family Court Time Standards Order applies only to requests by any party not to precipitate the finality of trial confrontation (as in divorce or separation) when no party truly seeks such a trial. All contested matters are required to be "pre-tried" by the Court prior to setting a trial date. In addition, a "four-way" meeting of the parties and counsel must be held prior to the pre-trial conference. The purpose of this "four-way" meeting is to limit or resolve contested trial issues.

The District Court and Boston Municipal Court Departments' Time Standards Implementation Orders anticipate that beginning July 1, 1988, all civil entries will be ready for trial by the end of the twelfth month from date of entry. All discovery and pre-trial motions must be filed and completed by that time. Trial requests must be made no earlier than the tenth month and no later than the end of the twelfth month from date of entry. If no trial request is made within this deadline, the matter will be dismissed automatically without prejudice beginning in the thirteenth month.

At the conclusion of this 18-month planning process, each department had promulgated a comprehensive departmental implementation plan which had been reviewed by all affected parties. The Special Advisory Committee has been requested to assist the Trial Court in the monitoring and evaluation of the departments' efforts to meet the Time Standards. It is the responsibility of the Case Management Department to measure the impact of these implementation orders on the overall movement of cases throughout the Trial Court.

Mediation. Beginning in November 1987, the Case Management Department and the Superior Court

Department began a pilot mediation program in Suffolk Superior Court. Mediation is a non-binding process intended to assist lawyers and litigants in reaching a mutually acceptable settlement as an alternative to the expense, time, and uncertainties of trial. Those cases considered candidates for mediation are required to attend a Mediation Scheduling and Screening Session. At this session, attorneys are provided more detailed information about the intended benefits of the mediation program by program staff and an opportunity to explore the relative merits of mediation as it applies to their case. All parties must agree to mediation before an order of reference is made by the Trial Court.

The goal of mediation is to address the parties' major concerns and to help the parties shape their own settlement terms. The mediation session is informal and generally lasts no longer than three hours. Prior to each mediation session, each side must provide the mediator with a short, comprehensive case overview intended to narrow the issues in dispute. Except in unusual cases, parties do not produce witnesses, but documents supporting each side's view of the case should be available. The confidentiality of the process is protected by M.G.L. c. 233, s. 23C. Upon completion of the mediation, the mediator reports any settlement or stipulations reached to the Mediation Coordinator. Cases not settling are returned to the docket without prejudice. The mediators used in this program are recommended by the Massachusetts Mediation Service and approved by the Court.

The mediation program has attempted to anticipate the increased demands for alternative methods of dispute resolution brought about by the operation of Time Standards. Working closely with the Suffolk Superior Court Regional Administrative Justice and the five Time Standards Session Justices it is anticipated that cases will be screened for mediation by Case Management Department program staff no later than six months from the date of entry using case criteria established by the Regional Administrative Justice. It is important to note that cases opting for mediation remain on their "track" and the requirements of that tracking order must be adhered to by the parties.

Case Management Systems. Closely tied to mediation screening by nonjudicial staff is the department's Triage Program whereby selected case management techniques are applied on a case by case basis. Using a hospital model, department staff directing law student interns at no expense to the Court have begun screening all civil entries in Suffolk Superior Court. Working in cooperation with the Regional Administrative Justice and Time Standards Justices, the goal of the program is to ensure that judicial time spent per case is in proportion to the value and complexity of that case. The focus is on the micro-management of an individual case. The department has applied for and received a federal grant from the State Justice Institute to evaluate this novel approach to case management.

Statistics and Research. The department also produces a variety of research documents and statistical reports pertaining to the case management practices in the several departments of the Trial Court. The statistics generated by the court departments provide the Trial Court with an important measurement of institutional performance. The statistical information also provides those that are responsible for managing the courts the necessary descriptive information to better match existing resources to the workload. The statistical reports compiled by the Trial Court are reviewed regularly by the Supreme Judicial Court, Legislature, executive branch agencies, and others who have come to rely upon the information generated as valid indicators of Trial Court workloads.

Court Facilities Department

Deputy Court Administrator for Court Facilities Stephen Carroll

The Court Facilities Bureau was created by the Court Facilities bill signed by Gov. Michael S. Dukakis in June 1988 (Chapter 203 of Acts of 1988). As of Oct. 1, 1988, the court system assumed ownership of nine Suffolk County courthouses, including the state's largest court complex in Boston's Pemberton Square, and the Lawrence Superior Court. The bill provides for a broad authorization of $330 million for courthouse construction and repair and offers other counties the options to transfer ownership of their courthouses to the Commonwealth.

To maintain, renovate, and provide security for these buildings, several of them older than 60 years, more than 200 former City of Boston and county employees were incorporated into the Trial Court payroll. To supervise the daily operations of these Suffolk courthouses and Lawrence Superior Courthouse, on Dec. 15, 1988, Chief Administrative Justice Arthur M. Mason appointed Stephen J. Carroll as the new deputy court administrator for court facilities. An experienced manager of state facilities, Carroll had worked as the superintendent of the Suffolk County Courthouse Complex in Boston for three years before his appointment as deputy court administrator for

court facilities.

Within the state's Division of Capital Planning and Operations a Court Facilities unit was created to work in conjunction with OCAJ.

Among the immediate projects to be undertaken will be major renovations of the Dorchester, East Boston, and West Roxbury Courthouses and the installation of new elevators at the New Courthouse, Suffolk County Courthouse.

A Court Facilities Council was established to advise and Chief Administrative Justice Arthur M. Mason on court facilities. The council will monitor the compliance with the leasing agreements executed by the Trial Court with counties, cities, and towns regarding court buildings. Council members are Chairman William R. Dickson, vice president of the Massachusetts Institute of Technology (Chief Justice Mason's designee); Judge John L. Murphy Jr, Superior Court Department, Judge Joseph A. Furnari, District Court Department; Chief Justice Francis G. Poitrast, Juvenile Court Department; Chief Justice William J. Tierney, Boston Municipal Court Department, Judge Sheila McGovern, Probate and Family Court Department, Chief Justice Marilyn M. Sullivan, Land Court Department; Judge William H. Abrashkin, Housing Court Department; Judge Neil J. Lynch, Supreme Judicial Court, Edgar J. Bellefontaine, librarian, Social Law Library; Worcester County Commissioner John R. Sharry, Franklin County Commissioner Francis R. Pleasant, Hampden County Commissioner Thomas J. O'Connor, Middlesex County Commissioner Thomas J. Larkin, Norfolk County Commissioner Mary P. Collins, and Edward J. Sullivan Jr., Local 254, S.E.I.U., AFL-CIO.

Employee Relations/ Personnel Department

The department consists of four areas: Collective Bargaining, Equal Employment Opportunity/Affirmative Action, Personnel, and Court Officer Services.

Collective Bargaining entails the negotiating of labor agreements with unions representing employees of the Judiciary. The department advises management personnel on the application and interpretation of agreements including processing of grievances.

Equal Employment Opportunity/Affirmative Action (EEO/AA) officer administers and maintains the EEO/Affirmative Action Plan pursuant to Trial Court policy and applicable federal and state statutes, provides staff support to appointing authorities in attaining the goals and timetables of the plan, and counsels employees on equal employment opportunity and discrimination matters.

The department services to all employees in the area of personnel administration. Among its major duties Personnel establishes and maintains personnel files including a computerized personnel information system, processes salary increases, administers the Personnel Classification and Compensation Plan, processes requests for leaves of absence, employment and promotions, and monitors industrial accident claims.

Court Officer Services supervises court officer operations for the Superior Court Department and coordinates court officer resources among the departments of the Trial Court.

Collective Bargaining. On May 27, 1988, a three-year collective bargaining agreement was executed with the Middlesex Superior Court Officers' Assocation. This agreement covers from July 1, 1987 through June 30, 1990. This unit consists of about 60 court officers at the Middlesex Division, Superior Court Department.

The director of Employee Relations accepted an invitation to be a member of the Executive Board of the Massachusetts Committee for Public Sector Labor-Management Cooperation (Committee). The committee, established in early 1988, promotes cooperative relationships between labor and management by providing a resource to the parties and a forum for the discussion of issues of mutual concern in the public sector. Membership is open to all labor and management representatives in public sector organizations throughout the state.

EEO/Affirmative Action. The quarterly report for October 1988 shows that minorities constituted 12.3 percent of the Trial Court work force, an increase from the December 1987 report which showed minority personnel at 11.2 percent.

The EEO/AA officer continued to meet with appointing authorities and department heads to enhance their understanding of the goals and timetables of the Trial Court's EEO/AA Plan and to offer technical assistance in recruiting.

The EEO/AA officer attended the annual National Minority Business Enterprise/EEO Conference and the National Urban League Conference. Both conferences were held in Detroit and addressed a number of subjects in the EEO area. Emphasis was placed on recent decisions by the U.S. Supreme Court, sexual harassment, minority recruitment, and the promotion of minorities and women to high level positions.

This officer continued to develop the resume and applicant job bank program. This office contacted guidance counselors around the state regarding employment opportunities within the Trial Court. Several requests were received for background material, developed from this source, from field managers in process of filling open positions. In addition, this office continued to refer qualified minority and female applicants developed from other sources to field managers for consideration for open positions pursuant to the goals and timetables set forth in the Trial Court's Affirmative Plan. It should also be noted that this office

referred qualified non-minority applicants to field managers for their considerations for vacant positions.

The EEO/AA officer continued to serve on management's collective bargaining committee, assisting in the negotiation of new labor agreements with the several unions representing Trial Court employees.

This officer and the personnel coordinator served as members of a panel at a public hearing in Worcester in March. This hearing was convened by the Gender Bias Study Committee, on which the EEO/AA officer is also a member.

The EEO/AA officer received and resolved several complaints from Trial Court employees alleging discrimination in the employment process. Although this office coordinates such matters with responsible outside agencies, such as the Massachusetts Commission Against Discrimination, none of the complaints were referred to such agency for disposition.

Communications. The success or failure of an EEO program depends on how well the Trial Court's EEO policies and procedures are communicated to the people who must work with us to see they are carried out. These individuals include the Trial Court's management staff, the rank and file employees, prospective employees, unions, and suppliers.

A statement of the affirmative action policy is included in the *Trial Court Personnel Policies and Procedures Manual* and publicized in the court newsletter, *Bay State Briefs*, *Annual Report of the Massachusetts Trial Court*, and other media. This office will continue to hold special meetings and regional seminars with appointing authorities and department heads; and include articles on accomplishments of minorities, females and handicapped workers in Trial Court publications.

Meetings will be continued with Justices, clerk-magistrates, assistant clerk-magistrates, chief probation officers, managers, and supervisors to explain the Trial Court's Affirmative Action Policy and their responsibility for its implementation and also clearly explain the Chief Administrative Justice's attitude toward affirmative action.

Management in individual courts is informed that their affirmative action efforts are evaluated based on results obtained and other affirmative action criteria; and that they are responsible for preventing harassment of all employees under the Trial Court's Affirmative Action Plan.

Meetings were held with union officials, informing them of the Trial Court's EEO/AA Plan and requested their cooperation in carrying it out.

Recruiting Sources. Recruiting sources were informed of the Trial Court's EEO/AA Plan and were asked their assistance in recruiting qualified minorities, females, handicapped individuals and Vietnam era veterans for positions within the Trial Court. The EEO/AA clause is included in all job postings, purchase orders, leases, and contracts. The Trial Court posts and advertises job vacancies and "invites" all qualified minorities, females, handicapped and Vietnam era veterans to apply. All job openings are listed in the lobby of the Office of the Chief Administrative Justice, as well as other AA recruitment sources. All courts must select a minimum of 10 recruitment sources from the AA Resource List to whom they send a listing of job openings.

Personnel Administration. The personnel coordinator was awarded a plaque by Secretary of Administration and Finance Frank T. Keefe, also chairman of the Commonwealth of Massachusetts Employees Campaign for attaining a 25 percent increase in donations over last year.

The director of Employee Relations was designated by the CAJ to represent the Trial Court as a member of the PMIS II Project Steering Committee. The committee was established through the efforts of the Office of Human Resources Administration, Administration and Finance, pursuant to the provisions of Chapter 199 of the Acts of 1987. The committee consists of about 25 members representing central service agencies, executive department "user" agencies, higher education, the Trial Court, and the Legislature.

The committee's primary role is the development of the design of a comprehensive computerized personnel and payroll system to improve the processing of data and the accuracy of management information reports.

The Personnel Department processed 1,439 requests for new hires and for promotions of Trial Court employees (192 such requests have been deferred due to a lack of funds in departmental budgets for FY 1988-1989), 169 requests from employees for unpaid leaves of absence, and 130 employee requests for sick leave buyback and vacation in lieu of time off for employees retiring under the provisions of M.G.L. c. 32 (Retirement and Pensions System). The department received and processed 443 requests from employees for remission of tuition for attendance at a state institution of higher education (excluding the University of Massachusetts Medical Center). The number of requests dipped by about 34 percent less than last year. This decrease is primarily due to (1) this year's figure does not include registrations for November and December for January 1989 classes, and (2) the University of Massachusetts did not offer classes in several "satellite" locations due to budget constraints.

The employment status of about 210 per diem court officers, Superior Court Department, was changed to permanent employees, pursuant to the provisions of M.G.L. c. 221 s. 70 as amended by Chapter 649 of the Acts of 1987.

The Personnel Department processed 187 industrial accident claims filed by employees, of which 80 (43 percent) resulted in each employee (claim) losing five or more days from work. Currently, 51 employees are

receiving Workers' Compensation benefits pursuant to M.G.L. c. 152.

Pursuant to the provisions of the Trial Court's Classification and Wage Compensation Plan, the Personnel Department received and processed 47 requests for review of position classifications. Of this total, 30 requests were approved for reclassification and 17 requests were disapproved.

The Personnel Department processed 2,250 requests for salary step increases. These requests covered both union and non-union employees, pursuant to applicable collective bargaining agreements or the Trial Court's *Personnel Policies and Procedures Manual*.

Personnel Record Information System. During 1988, the department completed its development of a new Personnel Record Information System. The system was initially introduced and tested in two departments within the Trial Court. This part of the project has been successfully completed, and Personnel is in the process of implementing the system statewide. This centralized computer system establishes a standardized personnel record on our employees, processes, and retains specified dates, and provides management with meaningful and timely reports.

Classification and Wage Compensation Plan. During 1988, the department moved closer to starting the personnel allocation study project. Seen as a long-term program, the project will establish a realistic system to objectively determine staffing needs of the Trial Court's personnel based on workload and resources. The department prepared a request for proposal on this study which was sent to 21 management consulting companies. A project team was formed to review the seven proposals which were received in response to the RFP and to conduct the study. This team consists of management personnel from several Trial Court departments. Based on the evaluation of the proposals, the firm of Cresap, a Towers Perrin Company, was selected to perform the study. Cresap is a nationally recognized general management consulting firm that specializes in serving state and local governments. They have conducted management studies for each of the 50 states and have undertaken projects for more than 350 cities and counties in 42 states. Over the course of the next two years the study will be conducted by the consultant in close collaboration with the Personnel Department and Project Team.

Court Facilities Personnel. Effective Oct. 1, 1988, about 225 employees were added to the Trial Court because of the state takeover of 10 courthouses. The employees, concerned with the operations and maintenance of these 10 buildings, transferred to the Trial Court from the City of Boston and Essex County. They are the eight divisions of the District Court Department in Suffolk County, the Suffolk County Courthouse Complex in Boston, and the Lawrence Division, Superior Court Department.

The Personnel Department arranged with staffers of the Group Insurance Commission to meet with these new employees and to explain the state's group life and health insurance programs.

Dental and Optical Health Plan. The dental/optical health plan covering employees who are in the collective bargaining unit represented by the Service Employees International Union, Local 254, has completed two years of operation. The trustees of this plan are reviewing the experience factor and evaluating alternative ways to increase benefits for participants. This plan is insured with Blue Cross, Blue Shield.

The dental/optical health plan for employees represented by the Office and Professional Employees International Union, Local 6, which also includes all non-union employees, has completed its first year of operation under a plan which affords employees a choice between Delta Dental Plan and Dental Benefit Providers. The Delta Plan is a traditional fully-insured plan which allows the employee to go to any dentist they choose. The DBP Plan requires the employee to select a dentist from a closed panel. As of July 1, 1988, about 204 employees had elected to participate in the DBP Plan.

Fiscal Affairs Department

The Fiscal Affairs Department operates as the financial center for the seven Trial Court departments, OCAJ, the Office of the Jury Commissioner, and the Office of the Commissioner of Probation. It is responsible for payroll, the annual preparation of the Trial Court budget, processing all Trial Court financial transactions, purchasing of centralized services and goods, and the auditing of all 106 court divisions.

Trial Court Budget. Fiscal Year 1988 appropriations and expenses of the Trial Court totaled $242,390,210.

Centralization of accounts was continued for judicial salaries, clerical assistance, new personnel, travel, printing, law libraries, jury and witness expenses, equipment purchases, facility rentals, and court-ordered services for masters, court reporters, interpreters, investigators, psychiatrists, guardians, consultants, use of social service agencies, and warranty and rental costs.

FY '88 Budget
$102,075,200 Admininistrative Accounts
$140, 315,001 Court Division Accounts
$242,390,201

FY '88 Court Division Account
$131,307,370 Salaries
$ 9,007,631 Office and administrative costs
$140,315,001

FY '88 Trial Court salary expenditures totaled $168,922,858 (70 percent of all Trial Court expenses),

representing, as of June 30, 1988, 5,605 full-time positions and 402 vacancies.

FY '89 Budget. The FY '89 operating budget is $256,606,013.

As of December 1988, total funding available for Trial Court operations and facilities rentals for FY '89 totaled $150,680,802 and represented funding of $149,480,802 appropriated in Chapter 164 of the Acts of 1988 (the General Appropriation Act for FY '89).

In addition, Chapter 164 established a new account with funding of $7,125,211 and 208 positions for expenses and operations of court facilities in Suffolk County, New Bedford, Fall River, and Lawrence to comply with the requirements of the Court Facilities, which on Oct. 1, 1988, transferred to the Trial Court the responsibilities for the operation and upkeep of these facilities.

Capital Outlay and Bond funded accounts designated for the Trial Court in FY '89 provide $4 million for computer system costs and $1,485,118 for facility repairs and renovations.

The FY '89 appropriation maintains the restructuring of the Trial Court Budget by centralizing funding for medical and rehabilitative program costs of the Trial Court and consolidating funding of the Superior Court, Probate and Family Court, Juvenile Court, and the Housing Court Departments in a single department line item each.

FY '89 Budget
Salaries
$180,089,355 Administrative and Ct. Divs. Accts.
$ 3,147,065 Facility Operations
Non-Personnel Operating Expenses
$35,043,389 Administrative and Ct. Divs. Accts.
$34,348,058Facility Rentals
$ 3,978,146 Facility Operations
$256,606,013 Total

FY '89 Personnel Funding. Personnel appropriations moved 100 positions approved in FY '88 Administrative Reserve to the individual Department Administrative Accounts and added 26 new positions in various Court Division accounts and 200 positions for facilities operations. The Judicial Needs Bill authorized 24 new justices for the Trial Court in FY '89.

These 250 additional positions bring the total number of authorized positions (not including 90-day appointments) for Administrative and Court Divisions accounts from 6,004 in FY '88 to 6,054 in FY '89 and for Facilities operations from eight in FY '88 to 208 in FY '89.

Salary funding for Administrative and Court Division Accounts for FY '89 totaled $180,089,355, or 71 percent of the Trial Court budget. Trial Court Spending Plans projected a sum of $188,563,266 needed to cover cost of the 5,623 positions filled as of July 1988 and for filling the 432 vacancies for 11 months or less. The salary shortfall of $8,473,911 plus a shortfall of $1,071,400 in funding for nonpersonnel court operating expenses means that 432 positions must remain vacant in FY '89.

Auditors Steve Kirby and Kevin Costello

Management Initiatives. The Accounting Section reviews and processes all Trial Court expense documents. In 1988, the Accounting Section processed 70,000 Trial Court expense documents. Additionally, the Accounting Section acts as an information resource for Trial Court divisions, offices, and vendors. The section advises these parties on the document processing procedures of OCAJ and the State Comptroller. By utilizing the Comptroller's automated accounting system MMARS (Massachusetts Management Account Reporting System), the Accounting section corrects errors in expense documents, and informs divisions, offices, and vendors of document payment status.

In the area of telecommunications, the Fiscal Affairs Department continued to assist Trial Court divisions and offices. In 1988 Fiscal Affairs directed the procurement of approximately 10 new telephone systems for court divisions. Future telephone equipment improvements probably will be postponed because of budget constraints. The department continued to act as a telecommunications resource for any telecommunications problem or issue confronting a Trial Court division or office.

Secretary Joyce Higgins

Internal Audit. During 1988, the Internal Audit Staff completed a three and one-half year audit cycle by analyzing and reviewing in every division of the Trial Court Department. Accounting procedures were reviewed and training programs were undertaken.

Payroll. The Fiscal Affairs Department instituted numerous training programs throughout the Trial Court. Seminars were developed for training court personnel in the procedures for the newly instituted MMARS and the Commonwealth Automated Payroll Systems (CAPS).

Information Systems Department

Supervisor of Computer Operations Jim Stewart

The Information Systems Department is responsible for the strategic planning and daily operations support for the Trial Court's evolution toward automated information management.

The Office of the Chief Administrative Justice created the Informations Systems Department in 1988 by combining the mainframe Data Processing Department in Cambridge with the Microcomputer Support Group under the direction of a newly-created position, director of Information Systems. This position was filled in May 1988.

The new department has attempted to balance its two responsibilities—strategic and operational—evenly.

Strategic Initiatives. Strategic initiatives undertaken in 1988 include the creation of an Automation Steering Committee to meet monthly to guide the director of ISD. The Automation Steering Committee consists of the executive secretaries of the seven court departments, the Commissioner of Probation, the Jury Commissioner, and OCAJ managers. This committee promotes a consensual approach to automation planning and enhances collegial cooperation in the enactment of those plans.

In 1988 ISD developed a request for proposal for an Information Architecture Study. This study will identify and organize all significant data classes, functions, and information flows within the Trial Court. The output of the Information Architecture Study will be used to help us control the evolution of the Trial Court Automation Plan, by providing a framework for subsequent application development projects. We expect to complete the Information Architecture Study by June 1989.

In 1988, ISD began a study to define a hardware/network platform for application development and operation. We will invite vendors to bid on a blanket contract to establish a technical environment which can be efficiently supported by as few technical personnel as possible, while at the same time permitting a variety of applications to support the Trial Court. Another goal of creating this environment is to permit flexible growth. This "single-platform" approach will allow us to distribute or centralize applications as experience warrants. In other words, the Trial Court should be able to migrate applications from a central computer in Cambridge to regional or local computers or vice versa, without changing those applications. We expect to select the actual hardware vendor in mid-1989.

A fourth strategic initiative of ISD in 1988 was the creation of an Automation Plan for the Trial Court. The plan calls for a series of applications projects to begin immediately upon the completion of the Information Architecture Study and the Hardware/Network Platform Study, with the first implementations targeted for mid-1990. The most important aspect of these applications is not that they be developed as quickly as possible, but that they be developed well, to provide solid building blocks for the automated courthouse of the future.

A fifth strategic initiative of ISD was the reorganization of ISAC (Information Systems Advisory Committee). The members of the Automation Steering Committee were invited to nominate a representative for each court department. Where major policy-setting initiatives are the responsibility of the Automation Steering Committee, ISAC is responsible for establishing standards and reviewing requests for exceptions. Where the Automation Steering Committee is a management committee, ISAC is a technical committee, devoted to issues, such as operating systems, programming languages and techniques, and systems development life cycle. In 1988, ISAC began the effort to reorganize and expand the *ISAC Standards Manual*, with a significant revision expected to be published in July 1989.

The results of the Hardware/Network Platform Study will be incorporated into the ISAC Standards. The Automation Plan calls for a series of requests for proposals for the applications development study coupled with the ISAC standards. The result should be

a systems environment which can be evolved effectively over time, and supported effectively by the limited resources available.

Ongoing Projects and Operational Support. ISD is committed to keeping strategic planning separate from operational support and ongoing projects in the belief that the surest way to defeat strategic planning is to confuse it with the immediate need for action that the courts in fact require. Short-term systems relief, which is critical to the operations of the courts, is treated in this section of the report.

Some of the initiatives in which we are engaged are as follows:

•Office of the Commissioner of Probation. In 1988 OCP continued to enhance the use and usefulness of the automated Criminal Offenders Records Inquiry (CORI) System. ISD provides services in the areas of terminal and printer procurement and installation, networking support, and technical consulting.

•Superior Court Department. The Superior Court arranged for an experimental application to support Civil Time Standards. This was developed by IBM and United Engineers on a System 38 using RPG III. The project will be under evaluation for six months starting November 1988. ISD developed an interface between this system and the existing Case Management System operating on the Unisys A10H.

•District Court Department. The District Court and ISD developed a plan to expand the use of Systematic-II, a microcomputer-based case management system, to six additional courts. Implementation of this plan will occur as soon as funding is available.

•Land Court Department. ISD enhanced the Land Court's personal computer-based Case Management System for ease of use and functionality.

•Housing Court Department. ISD assisted the Housing Court in developing a request for proposal for a case management system, which is to be developed next year in dBASE III on personal computers.

•Microcomputer Support. ISD offered consulting microcomputer support to several divisions of the District Court Department, and many others within the Trial Court as requested.

•Probation Receipt Accounting (PRA). ISD provided assistance to the Fiscal Affairs Department in adding enhancements to this system and in adding terminals and printers to the PRA Network.

Legal Department

The Legal Department is responsible for the oversight of legal matters within the Trial Court of the Commonwealth and confers regularly with persons within the executive and legislative branches of state government concerning legal and administrative matters.

Legislation. The Legal Department prepares, reviews, and files legislation on behalf of the judicial branch and monitors the legislative process daily. Reports and research material on legislation are also provided to the Massachusetts Judicial Conference at its regularly scheduled meetings. The department responds to inquiries from legislative committees, the Governor's Legislative Office, and interested citizen groups on proposed legislation.

Legislative initiatives which will be pursued in the 1989 legislative session include bills to provide for the transfer of non-judicial personnel, provide for representation and indemnification in suits brought against judicial employees acting within the scope of their employment, and other bills relating to the administration of the court system.

Contracts. The Legal Department reviews and approves of all Trial Court contracts including those to purchase or lease equipment, furnishings, or services. Any necessary amendments to contracts are negotiated and drafted by the department. The department reviewed, negotiated, and, where appropriate, drafted amendments to more than 500 contracts during 1988.

Labor. The department is responsible for the conduct of litigation of labor issues before state and, on occasion, federal courts, the state Labor Relations Commission, the Massachusetts Commission Against Discrimination, the Civil Service Commission, the Equal Employment Opportunity Commission, the Department of Employment Security, and for research, preparation of briefs and development of information necessary for litigation, negotiations, grievances, and other related matters. Grievance arbitration is conducted when necessary before arbitrators, and advice is provided on labor issues, negotiations, labor contracts, and personnel and employment law to the Chief Administrative Justice, the Administrator of Courts, department heads, and the director of Employee Relations.

Real Property. The Trial Court leases courthouse facilities from the counties, cities, and towns and private landlords. The department drafts and negotiates leases for 77 county-owned buildings, 13 city and town-owned buildings and 11 privately-owned buildings. It is anticipated that the total rental monies that will be paid under these lease agreements for FY '89 will be approximately $32 million. The department reviews and approves the schedule of costs to maintain and repair courthouse facilities submitted by the counties.

The Trial Court owns 14 court buildings, and the Legal Department is involved in capital outlay projects affecting these buildings. The department oversees new construction and renovation of courthouse facilities and is presently participating in projects involving (1) renovations to the Suffolk County Courthouse and the Third District Courthouse in New Bedford, (2) new construction of courthouses for the Amesbury, Newburyport, and Palmer Divisions, (3) renovation of

new space for the Dorchester Division and (4) studies for the renovation of the Superior Courthouse in Lawrence and Durfee High School in Fall River which was purchased by the Commonwealth for use by the Trial Court in 1987.

Litigation. Justices, clerk-magistrates, registers of probate, chief probation officers, and other personnel in the Trial Court are sometimes parties to litigation before a court or administrative agency. Many of these cases have broad implications for the entire court system and often require representation of multiple-party defendants on identical issues. The department determines whether the matter should be handled in-house or referred to the Office of the Attorney General for representation. Eighty-three actions, exclusive of labor cases, were commenced against personnel within the Trial Court in 1988.

On August 10, 1987, the Supreme Judicial Court decided *Kinan v. Trial Court and others* and concluded that the Chief Administrative Justice was the proper party to present a claim against the Trial Court under the Massachusetts Tort Claims Act. The department investigates these claims, assesses liability, negotiates settlements for the payment of valid claims and proposes corrective measures designed to reduce the number of future valid claims.

General. The department provides research assistance to the Chief Administrative Justice and the Administrator of Courts, prepares memoranda in response to inquiries from the legislative and executive branches of government and responds to questions of a legal nature from within the judicial system and the general public on a variety of subjects. The department drafts and submits to the Chief Administrative Justice proposed administrative directives, orders, correspondence, memoranda, and informational bulletins. It also assists the Chief Administrative Justice with his responsibility to review all proposed rules, rules amendments, and standing orders of the various departments of the Trial Court and provides support to Trial Court committees working in these areas. The Legal Department also provides support assistance in personnel matters, in the development of standards, personnel policies and procedures, and has participated in the continuing effort to develop and standardize forms and procedures throughout the departments of the Trial Court. It also coordinated interdepartmental assignments of Justices pursuant to M.G.L.. c. 211B, s. 9 for the Chief Administrative Justice and confirmed interdepartmental and intradepartmental assignments of nonjudicial personnel during 1988.

Planning and Development Department

Planning and Development received a grant on Oct. 26, 1988, from Boston foundations for the training of court interpreters. L-R, Judge Isaac Borenstein, Lawrence Division, Joan Diver of the Hyams Foundation, Robert Brink of the Flaschner Judicial Institute, Mary Jane Moreau, mgr. of Planning and Development, and Maribel Pintado-Espiet, coordinator of the Office of Court Interpreter Services.

Planning. During the past year court planning continued to refine the production of a comprehensive annual plan for all departments of the Trial Court. *Planning for the 1990's: Automation Systems, Personnel Systems, Case Flow Management* produced last year has served as a foundation for current planning efforts. *A Three-Year-Plan for the Trial Court, 1989-1991*, was published this year and will serve as the blueprint for new and continuing court administrative and case management activities in the next three years.

Central to strategic planning for the Trial Court is the continued input of the Chief Administrative Justice, the Administrator of Courts, managers and staff of the Office of the Chief Administrative Justice, Administrative Justices and managers of each court department, the Commissioner of Probation and staff, the Jury Commissioner and his staff. All have continued their participation in the planning process during the past year. The executive secretaries, Jury Commissioner, Commissioner of Probation, OCAJ department managers, and representatives of the Supreme Judicial Court and Appeals Court met for a day to discuss planning, and its role in the Trial Court.

Recently, the use of project management software was integrated into the planning effort. The software provides a continuous means to monitor, adjust and record projects through graphs and reports which track goals and objectives over time. Staff resources (costs and personnel) can be allocated using automatic scheduling options. This provides us with "best case" options. As new elements are added and as resource availability changes, projections can be made which more accurately reflect current conditions.

Court Client Services Project. The Court Client

Planning and Development oversees the Judicial Response System, a judicial emergency intervention program. On Nov. 2, 1988, Worcester County participants met to discuss the system. Superior Court Judge Mel Greenberg moderated the panel discussion. To his left is Clerk-Magistrate Duncan McLeod, Fitchburg Division.

Education and Training focused on management training in 1988. L-R, Chief Probation Officer David McNeice, Pittsfield Division, Chief Probation Officer John Allen, Holyoke Division, and Clerk-Magistrate James O'Leary, Holyoke Division attend a workshop.

Services Project was started this year. Through this project, the Planning and Development Department will publish resource directories for court staff for each region of the Commonwealth. The database, which has been collected through a survey effort of all courts and follow-up surveying of all agencies identified by the respondents, will also serve as the basis for assessment and analysis of programs which serve court client needs.

The Reporter. The Planning Office published *The Reporter*, a quarterly newsletter for all Justices of the Trial Court. *The Reporter* provides information of interest to Trial Court Justices about works in progress and future plans for the Trial Court.

Education and Training. The Education and Training Unit focused on the implementation of the recently acquired management training system designed by the Zenger-Miller Company. Implementation began with the participation of 17 divisions of the District Court Department.

The delivery strategy included a five-day program for the presiding justices of the selected courts. Three additional five-day programs were held for the clerk-magistrates, first assistant clerk-magistrates, chief probation officers, and first assistant chief probation officers. The next phase of the delivery strategy was the training of the line supervisors from the same courts. Three three-day programs were conducted.

The next round of management training included 16 additional District Court Divisions following the same program. The program was also introduced to the Probate and Family Court Department where registers of probate and chief probation officers jointly attended the program.

An instructor program was conducted to train and certify in-house personnel in the use of the program materials. Those newly certified instructors are conducting the programs for line supervisors.

L-R, Probate and Family Court registers and chief probation officers also received management training. L-R, Chief Probation John McNichols, Suffolk Division, Chief Probation Officer Alex Carnevale, Berkshire Division, and Register of Probate Robert Czelusniak, Hampshire Division.

The programs offered to clerical and support staff were expanded by the development of three new designs. Implementation is scheduled for the Spring of 1989.

The education unit continued to manage the central account for education and training which funds the programs conducted by the seven Trial Court Departments and the Office of the Commissioner of Probation.

Office of Court Interpreter Services. Since December 1986, the Office of Court Interpreter Services (O.C.I.S) has been operating under M.G.L. c. 221c as a pilot project for the establishment of a system for court interpreting services and a program for the training and certification of court interpreters. By statute, a pilot program started in Essex County with statewide expansion planned in 1989. O.C.I.S. has had the additional obligation of generating a *Code of Professional Conduct for Court Interpreters*, in effect since February, 1988, and establishing new compensation rates for interpreters, effective July 1, 1988.

To satisfy the courts' need for Spanish services, a

Administrative Asst. Rosalie Monteiro, O.C.I.S.

Training and Certification Program was made available on November 1987 to Spanish court interpreters who had been involved with the Trial Court's Judicial Language Center. In March, 1988 the certification process was completed and a total of 20 interpreters received their certification confirmation. This certification must be renewed on a yearly basis through additional testing and was not granted to individuals who were not actively servicing the Trial Court departments. At this time there are 10 certified court interpreters who are working in Essex County on a free-lance basis.

The system for providing interpreters to the different court departments in Essex County has been in place since March, 1988. Specific guidelines to that effect were promulgated in July, 1988. Under this system, and pursuant to these guidelines, courts in need of services place their requests by telephone, if services are needed within 48 hours, or in writing, when more than a week's notice is being given. O.C.I.S. then processes the requests by contacting the free-lance interpreters that may be available. Upon filling a particular assignment, O.C.I.S. forwards a confirmation notice to the court where the request originated so that it may become part of the record. Thus, the court keeps track of the identified non-English speaker in need of further interpretation assistance throughout the whole process.

O.C.I.S. is currently testing a computerized database program for scheduling and confirmation of assignments. It is expected that these applications will expedite the process as well as allowing for the monitoring of the system. In addition, as of September, 1988, O.C.I.S. hired an administrative assistant, whose main responsibility is the scheduling of interpreters.

In response to the courts' concern as to interpreter accountability, O.C.I.S. has generated a Court Interpreter Service Record on which interpreters must itemize the actual time spend interpreting versus the time spent waiting for their cases to be called. An analysis of these records shows that, in general, interpreters spent 2/3 of their billed time waiting for cases to be called. In view of these circumstances and the recent fee schedule increase, O.C.I.S. has proposed that each court appoint a person as a liaison to the office. The liaison would be responsible for processing all language interpreter requests, keeping a log of the requests placed with O.C.I.S., and keeping their court updated as to the requests that have been made. Courts will thus be able to consolidate language requests on the dates for which an interpreter has already been assigned.

An important component to this effort is O.C.I.S. suggestion that whenever an interpreter is assigned to a proceeding, that particular matter receives priority whenever possible so as to minimize the number of hours an interpreter must wait for a case to be heard. In addition, O.C.I.S. hopes to have a "48-hr. Notice Rule" approved so that matters requiring interpretation services be requested with as much advanced notice as possible.

In response to the documented language needs in Essex County, a Multilingual Training and Certification Program has been designed to provide training and certification in the following languages: Cambodian, Chinese, French, Greek, Haitian, Italian, Polish, Portuguese, Spanish, and Vietnamese. The 100-hour curriculum includes interpretation and translation skills, introduction to the American legal system and to comparative legal systems, sociological & criminological information, and courthouse practice. At the end of the course trainees will take the certification test for their native/second language and upon approval of the test will become part of the pool of certified interpreters.

The structure for the Multilingual Training & Certification Program can be summarized as follows:

A training/interpreting facilitator was hired to assist the coordinator in the planning and administration of the program. The facilitator's specific responsibilities include the coordination of the training process, including identification and recruitment of language co-facilitators and trainees. The facilitator is also responsible for teaching the course and for administering the certification examination at the end of the course. The facilitator is also responsible for updating training materials, revising the training curriculum, and modifying the course accordingly.

The training program will also require that eight language co-facilitators, one for each language to be certified, be hired to administer the program in coordination with the training facilitator. Co-Facilitators will receive advanced course orientation and are expected to participate in test design and administration of the certification examination.

All certified court interpreters will be subject to periodic performance reviews to guarantee the quality of the services provided. Such reviews shall include but will not be limited to on-site evaluations and revisions of tape transcripts.

The Trial Court was awarded a one-year grant of $26,500 "To design and implement a program to train

and certify court interpreters from linguistic minority populations." The grant has been presented by a consortium of Boston foundations led by the Boston Globe Foundation and the United Way of Greater Boston.

The Essex County pilot project will serve as a model for the grant and a specific allocation has been made to conduct an evaluation of the Essex County Pilot Project. The evaluation will facilitate both improvements in the Essex County Pilot Project and implementation of the new project.

Departmental Librarian Lois Kane

Law Libraries. The 18 Trial Court Law Librarians served 229,000 patrons in 1988, twice as many than in 1985. The steady increase in patrons challenged and taxed the library system.

In response, the library staff started a long range planning process. Based on the American Library Association planning process, goals and objectives were developed on how the libraries can meet the information needs of the variety of patrons being served. Library patrons include judges, attorneys, students, and the public. On Nov. 4, 1988, the entire library staff from 18 statewide locations met for the first time to work on the planning process. It was an exciting day to meet people with whom one worked with regularly by telephone but did not know in person.

The libraries depend heavily on temporary part-time staff to maintain the library operations, such as filing of loose leaf services, paying bills and answering the telephone. In 1987, each Trial Court Law Library had 15 to 30 hours of weekly part-time help. Due to budget cuts, only 10 libraries receive any part-time assistance, and the hours have been reduced to 10. The decision was made to reduce service hours so that the operational activities such as keeping the collection current could be assumed by the permanent staff. On Oct. 3, 1988, each library reduced hours and started using answering machines when there is not sufficient staff to respond to the patrons and answer the telephone.

Individual library accomplishments for 1988 include:

•Bristol. Completion of the card catalog and purchase of Atlantic Reporter, 2d, v. 151-450 on microfiche, freeing 17 shelves.

•Brockton. Registered 112 first-time borrowers.

•Fitchburg. The library completed its renovation/expansion project and held an open house on Dec. 7, 1988. The library doubled the number of seats for patrons and increased shelving.

•Franklin. Completion of the procedures manual for staff and substitute librarians.

•Hampden. Shifted a major portion of the collection to create space for the classified treaties. Substantially increased the microfiche holdings in regional reporters, law journals, and Supreme Judicial Court records, and briefs.

•Lawrence. Microfiche versions of the National Reporter, First Series were purchased freeing much needed shelf space. A user guide geared towards the student population was compiled.

•Middlesex. Completion of card catalog and reshelving of all currently used materials to make them more patron accessible.

•New Bedford. Introduction of a card catalog so that patrons can locate information by subject and find the book. Audio/visual tapes from MCLE and audio tapes from MATA are now available.

•Plymouth. A library user guide was developed and distributed as well as a self-help list which gives the names, addresses, and focus of legal and consumer groups in Boston and South Shore area who would respond to the needs of Plymouth County residents.

Public information. The public information officer edits the official monthly newsletter of the Massachusetts Trial Court, the *Bay State Briefs*. This publication provides good general coverage of Trial Court news to the 6,000 employees within the 106 divisions. This editor writes most of the stories, shoots most of the pictures, and lays out each edition.

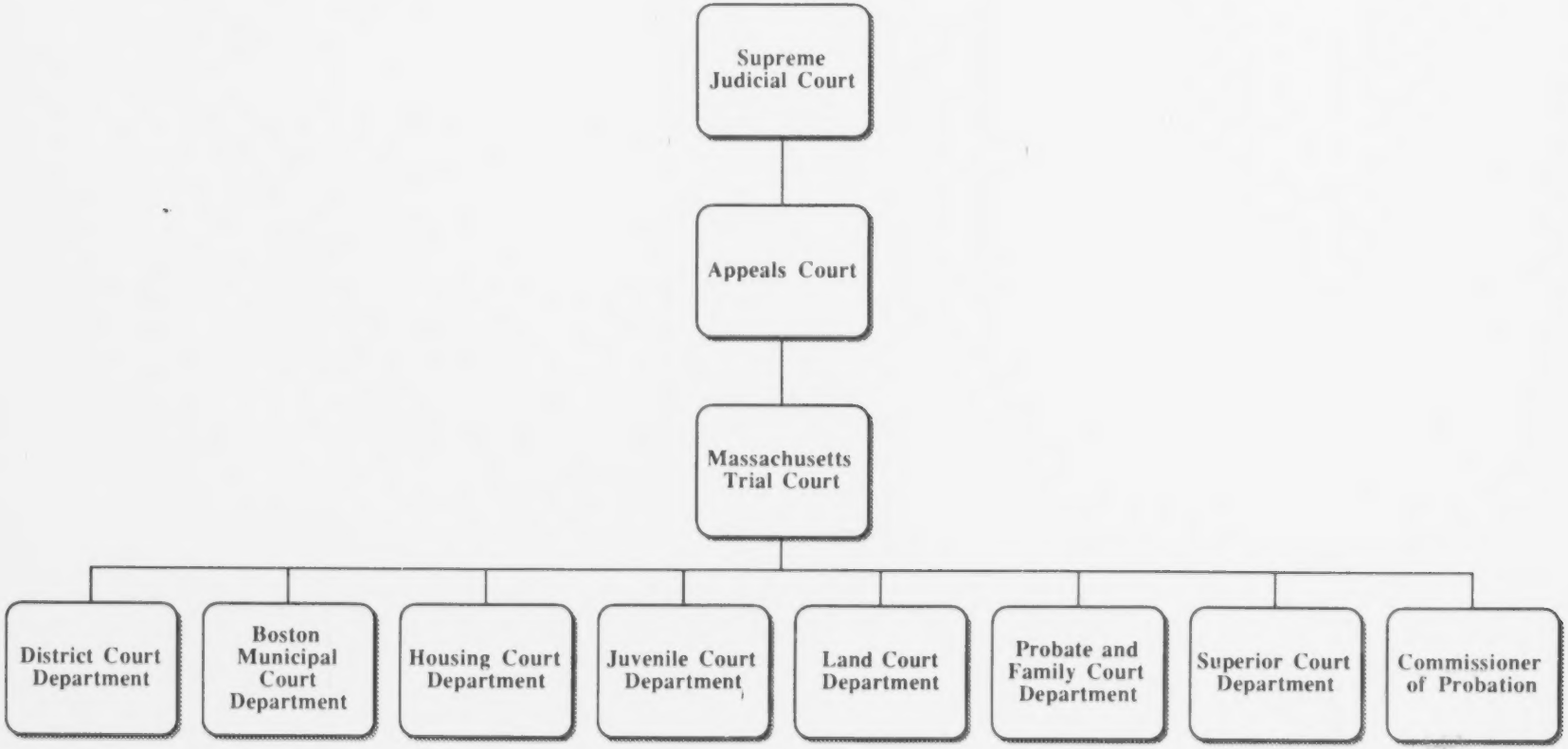
To enhance its presentation the newsletter is produced by a Macintosh computer using desktop publishing software. This has resulted in a different layout and a more professional design of the newsletter. By the end of 1988 more than 70 newsletters were published in the past six years.

This officer also serves as the editor-in-chief of the *Annual Report of the Massachusetts Trial Court*. His duties parallel those of the newsletter.

The public information officer also helped others involved with publication. He assisted the executive secretary of the Boston Municipal Court Department with the publication of a booklet on the Judges Conference. Assistance was rendered to the Office of the Commissioner of Probation with its brochure, the court planner with his newsletter, and the coordinator of court interpreter services with interpreter forms.

The public information officer serves as the media liaison for the Trial Court. He responds to queries from the media and the public.

Massachusetts Court System



Massachusetts Trial Court

New Directions and Changes

The Massachusetts Trial Court followed new directions and welcomed new changes. 1988 could prove to be a pivotal year in the history of the Massachusetts state court system. The Trial Court concluded its first decade of existence since the courts reorganized in 1978. Two events will leave an imprint on the courts for years to come: the signing of Court Facilities and Judicial Needs bills and the start of Time Standards.

Legislation. On July 26, 1988, Governor Michael S. Dukakis signed two important pieces of legislation (Chapters 203 and 206 of the Acts of 1988) to improve the court system: the Judicial Needs and Court Facilities Bills. The Judicial Needs Bill adds 41 new judgeships to cope with the growing caseload; the Court Facilities Bill is a $330 million package earmarked to renovate ailing courthouses, to build several new ones, and transferred the ownership of all Suffolk County courthouses and Lawrence Superior Courthouse from the City of Boston and Essex County to the Commonwealth of Massachusetts under the auspices of the Trial Court. Both measures should improve courthouse conditions and promote the administration of justice.

Time Standards. Besides these two new laws, Time Standards attracted the attention of court personnel and members of the bar. In 1986 the Supreme Judicial Court ordered the implementation of Civil Time Standards to pare the civil case backlog and to control the pace of litigation. The SJC decreed that all civil entries must be disposed within two years of its filing. As a result of intensive planning and training by the courts, five court departments, especially the Superior Court Department, commenced Time Standards on July 1, 1988. Instead of the bar, the courts now control the path of litigation. The Superior Court implementation plan places all cases filed after July 1, 1988 into one of three tracks and monitors the status of each entry at regular intervals.

Court Accreditation. The Trial Court considered another possible new direction: court accreditation. Several professions, such as medicine, legal education, corrections, probation, and law enforcement, have used accreditation as a tool to evaluate job performance. On Oct. 20, 1988, the Massachusetts Bar Association and the Gardiner Howland Shaw Foundation sponsored the "Court Accreditation: The Wave of the Future?" Conference at the Harvard University School of Public Health in Boston. A panel of national experts discussed accreditation within their respective fields while another panel consisting of SJC Chief Justice Edward F. Hennessey, Chief Administrative Justice Arthur M. Mason, Mark Greeley, manager of OCAJ's Case Management Department, Rep. Salvatore DiMasi, chairman of the state House of Representatives Judiciary Committee, Barbara Diamond, Legal Counsel to the Massachusetts Senate Ways and Means Committee, Thomas Maffei, president of the Massachusetts Bar Association, and Judge Daniel Toomey, formerly first assistant district attorney for Worcester County, debated "The Massachusetts Response" to the feasibility of court accreditation.

New Judges. The Trial Court welcomed several new judges in 1988. In the District Court they were Thomas F. Brownell, Daniel F. Toomey, David E. Harrison, Ellen Flatley, Sarkis Teshoian, Martha Scannell-Brennan, Eugene Panarese, and Maria Lopez. Arline S. Rotman, Elizabeth LaStaiti, and Charles Bowser joined the Probate and Family Court Department as J. Owen Todd was sworn in as a Superior Court Department jurist. District Court Judge John M. Xifaras was appointed to the Superior Court Department.

1988 Highlights. The Boston Municipal Court Department was struck by weekend fires in January 1988. The Clerk-Magistrate's Office for Criminal Business and the Probation Department bore the brunt of the damage, but fortunately through the efforts of BMC personnel and OCAJ assistance no court time was lost during the repair of the damages.

BMC pending jury trial requests increased by more than 100 percent in 1988, and on the civil side small claims entries have risen steadily since 1982.

Judge William J. Tierney succeeded Judge Joseph F. Feeney as the department's Administrative Justice in May upon Judge Feeney's retirement.

In the District Court Department legislation was filed to extend the trial de novo experiment in Essex and Hampden Counties for another two years. Judges, clerk-magistrates, and chief probation officers received management training.

The Juvenile Court Department maintained its commitment to automation with its Information and Records Access System which has been installed in all four divisions.

A 1987 law transformed the Housing Court into an environmental court hearing cases that affect the health and welfare of citizens pertaining to building and sanitary codes.

Although not cited in the SJC Time Standards order, the Land Court Department promulgated its own Time Standards plan for all cases except real estate tax foreclosure and registration cases.

Child support remained an important issue for the Probate and Family Court Department as its Family Service Offices collected a record $83 million in 1988, a boost of $10 million more than in 1987. The department also completed a statewide word-processing project with the installation of 70 word processors for secretar-

ial staff in judges' lobbies, registers' offices, and probation offices.

Civil Time Standards overshadowed all other court business in the Superior Court Department. July 1, 1988 marked the official kickoff for the department's new role in tracking new civil entries. All civil cases must be resolved within two years of its filing.

Leadership of the department changed when Judge Robert L. Steadman was inducted on Aug. 11 as the new Administrative Justice, replacing the retired Chief Justice Thomas R. Morse Jr.

1988 in Review

Jan. 1—The Employee Assistance Program becomes available for all Trial Court employees. The program has offices throughout the state to offer counseling on family and job problems and alcohol and substance abuse.

Jan. 22—Judge Robert L. Steadman is appointed as Administrative Justice-Designate of the Superior Court Department until Chief Justice Thomas Morse retires in August.

Jan. 30-31—Weekend fires strike the Suffolk County Courthouse. No one was injured, but more than $1 million in damages was caused. The most affected by the fires was the Probation Department of the Boston Municipal Court Department.

April 26—The Taunton Division becomes the first court to access the Probation Central File via a computer terminal. It is the first court in OCP's Batch Inquiry network.

April 29—Jury Commissioner Paul Carr holds two Court Officer Feedback Conferences in Dedham and Northampton. Carr says the conferences were held to allow jury pool court officers to discuss the handling of juries.

April 28-30—Superior Court clerk-magistrates hold their annual conference in Yarmouth. They discuss case tracking and Civil Time Standards.

May—The Superior Court Department hires five people with 92 years of court experience as their new regional coordinators. . . .The District Court Department hires 10 law clerks to assist their judges. The new clerks are based, two each, at the five regional offices.

May 1988—The District Court Department honors its three Franklin N. Flaschner winners. They are Court Office Earl "Duke" Belton, Springfield Division, Asst. Chief Probation Officer Pat Kane-Thompson, Lynn Division, and 1st Asst. Clerk-Magistrate Mary Coan, Peabody Division.

May 12—OCP holds its annual conference in Randolph. Theme: "Perspectives on Family Violence."

May 16—First Asst. Clerk-Magistrate Nora Benincuore celebrates 40 years of service at the East Boston Division.

May 23—Richard Gram hired as the director of the new Information Systems Department of the Office of the Chief Administrative Justice.

May 25—The Dorchester Division holds its Public Service Awards ceremony. First Asst. Clerk-Magistrate James Buckley is honored for his three decades of service in the court system.

May 26—Judge William J. Tierney is sworn in as the new Administrative Justice of the Boston Municipal Court Department, succeeding Judge Joseph F. Feeney.

June 1—LRE conference at Boston College Law School draws more than 280 people. Speakers included Senator Ted Kennedy and Boston Unversity Law School Dean Colin Diver.

June 8, 15, 22—Show Cause Skills Conference is held at Holy Cross for District Court clerk-magistrates. Moderated by Mediation Director Albie Davis, the clerks are taught mediation skills.

July 1— Civil Time Standards are implemented in five court departments.

July 26—Gov. Michael Dukakis signs the Courthouse Facilities and Judicial Needs bills. This allows the state to take over the Suffolk County courthouses and Lawrence Superior, and 41 judges will be added to the Trial Court.

Aug. 6—Judge Ernest I. Rotenberg wins the ABA Franklin N. Flaschner Award for best judge in a court with a limited and special jurisdiction.

Aug.11—The induction of Chief Justice Steadman at Boston's Faneuil Hall.

Sept. 19—The Chicopee Division adds mediation as a sentencing alternative.

Oct. 1—The state officially assumes ownership of Suffolk courts and Lawrence Superior Courthouse.

Oct. 13—The annual MALRE Conference is held at U-Mass, Amherst. Theme: "Juvenile Justice."More than 200 people attend.

Oct. 14—The Probate and Family Court's Fall Conference focuses on the use of pre-trial conference mediation. Luncheon speaker is Department of Revenue Commissioner Stephen Kidder.

Oct. 20—The Court Accreditation Conference is held in Boston to discuss the possibility of measuring judicial performance in Massachusetts.

Nov. 1—Judicial Response meeting is held in Worcester. The first of its kind, the meeting brings judges, police, and attorneys together to discuss the operation of this judicial intervention emergency program.

Nov—OCP publishes *The New Female Offender*, an intensive study of female probationers in the Bay State.

Dec. 15—Head Procedures Clerk Judith Hollum, Amesbury Division, District Court Department, receives the 1988 Chief Administrative Justice

Award as the Trial Court's Employee of the Year. Chief Justice Mason presented the award to Mrs. Hollum at a ceremony at the Amesbury Division.

Boston Municipal Court Department

The BMC digs out from several late January fires.

Jurisdiction. One of the seven Trial Court Departments, the Boston Municipal Court Department has jurisdiction over civil and criminal cases originating within Suffolk County, being restricted in certain types of cases to those arising in the downtown Boston area. The BMC also hears jury-of-six appeals from all nine Suffolk County courts for criminal and small claims civil cases. It also has an Appellate Division which serves as an appeals court on legal issues arising from its civil cases.

The BMC has final jurisdiction over most criminal offenses where a state prison sentence is not be imposed. Where a state prison sentence is possible the BMC may conduct probable cause hearings for criminal offenses alleged to have been committed within the court's geographical jurisdiction. The BMC also has jurisdiction over Suffolk County inquests, and it reviews various petitions such as may arise from Civil Service Commission determinations, the denial of certain licenses, and for compensation for victims of violent crimes.

Besides the general jurisdiction that the BMC has over civil cases originating within the downtown Boston area, the court also has jurisdiction over all actions for money damages involving a defendant who lives or has a place of business in Suffolk County. Jurisdiction is conferred by M.G.L. c. 218, s. 54.

The Court also has equity jurisdiction conferred on it by c. 186 (summary process) as well as child support and paternity matters under c. 209 C.

At present, the BMC conducts 10 sessions daily at the Suffolk County Courthouse, with an additional two off-site "remand" sessions, cases transferred from the Superior Court Department, operating out of the 3rd District Courthouse in Cambridge. These two remand sessions are staffed by two retired recall BMC judges with support staff supplied by the court's Civil Clerk's Office.

Criminal Business. Criminal complaints filed in the BMC in Fiscal Year 1988 totaled 15,401, an increase of 1,171 or 8.2 percent from FY '87. However, motor vehicle complaints, which comprise 24.2 percent of all criminal complaints filed, had increased by 1,185 complaints, accounting for the overall increase in criminal complaints filed with the court.

Decriminalized Motor Vehicle Activity. The BMC received a total of 15,231 non-criminal motor vehicle citations during FY '88, a decrease of 3,329 or 17.9 percent compared to FY '87. Final dispositions of citations decreased slightly from 83 percent of citations during FY '88. The BMC conducted 1,614 clerk-magistrate hearings on non-criminal motor vehicle citations, 10.6 percent of all citations received this fiscal year.

Jury of Six. Requests for jury trial from the nine Suffolk County courts to the BMC continued to increase as they have every year since its inception. During FY '88, 4,108 defendants requested a jury trial compared to 3,304 during FY 87. At an average of two complaints per defendant, this translates to more than 8,000 complaints during this period. Sixty-one percent of these requests were for a trial in the First Instance, no prior primary court hearing and disposition. The remainder of these requests were de novo appeals following a primary court hearing and guilty finding. This 61 percent figure is significant when one considers that the experiment involving elimination of de novo is still confined to Essex and Hampden Counties.

FY '88 has seen a dramatic increase in pending caseload over the previous fiscal year. The department began FY '88 with 917 active jury requests awaiting trial. At the close of FY '88 the pending caseload increased by more than 100 percent to 1,885 jury trial requests awaiting trial.

There are three ways in which a jury request can be terminated as an active status case: withdrawal of appeal, disposition by the court, and failure to appear by the defendant.

The statistics of this jury court relating to defaults since 1978 show that 1,755 defendants have failed to pursue their court dates, and more recently during FY '88 454 defendants have defaulted. This figure does not take into account the frequency of interim defaults by some defendants, i.e., while their cases are pending.

Dispositions for FY '88 totaled 21,915 defendants, a decrease of 235 from FY '87. Compared to the District Court Department jury sessions, the BMC disposed of a much larger proportion of its caseload by bench trial and a smaller proportion by guilty pleas.

With the ever increasing entries, throughput for FY '88, (the ratio of cases disposed to the number of cases received) was 71 percent, 24.3 less than in FY' 87.

The 2,915 jury session dispositions for FY '88 broke

down as follows:

- 45 percent after bench trial (1,325)
- 20 percent after guilty pleas (581)
- 27 percent by other means of disposition (780)
- 2 percent after trial by jury (45)
- 6 percent withdrawn (184)

Civil caseload. A total of 42,436 civil matters was initiated during FY '88, an increase of 5,426, or 13.5 percent from FY '87.

Since 1982 small claims entries and dispositions have shown a steady increase with entries rising 28 percent over FY '87 while dispositions rose 30 percent for the same period.

In FY '88 the department disposed of 45,138 civil matters for a throughput of 106.4 percent.

Support and Paternity Matters. During FY '88 the BMC Civil Division continued to increase its activity, particularly in the areas that are relatively new to the court, reciprocal support and paternity support. The number of orders increased by 60 percent for FY '88. The BMC continued to redirect out of state support orders to the court of proper jurisdiction. Redirecting cases showed a 46 percent for FY '88. The BMC began to receive interstate withholding petitions relative to support matters. These actions are heard in the regularly scheduled paternity/support session. BMC Civil Clerk's Office personnel have attended educational seminars on child support in house as well as those conducted by Massachusetts Continuing Legal Education.

Abuse Protection Cases. Abuse and protection cases showed an increase of 51 percent from FY 87. The clerk-magistrate and the Boston Police Department have continued their joint efforts to expedite the process and service of the petitions and orders. Existing transmittal forms were further improved and the clerk-magistrate has continued the in-office education programs, so that all personnel are aware of needs in this very sensitive area.

Remand cases. The remand area grew with an increase of 30 percent in the number of cases disposed of over the preceding year. At the end of FY '88 there were 419 remand cases pending in the BMC.

Victim of Violent Crime Cases. Entries in Victim of Violent Crime cases increased 20 percent while claims disposed of showed a 39 percent increase for the current year.

Small Claims cases. Small claims continued its growth with a 28 percent increase from FY 87. Small claims jury appeals increased 23 percent for the period.

Summary Process. Summary process cases increased 9 percent while supplementary process cases declined 11 percent from the past year. Small claims supplementary process continued the growth spiral of small claims, increasing 60 percent from FY '87.

Appellate Division. All the justices of the BMC sit on its Appellate Division. Each panel is composed of three justice, two justices constitute a quorum. The panel is authorized to hear appeals on points of law only from the department's civil session.

Asst. Chief Probation Officer Matt Regan

First Asst. Clerk-Magistrate for Civil Business, Neil Murphy

Probation Department. The Probation Department spent the latter half of FY 88 recovering from a disastrous fire that caused extensive damage to its facilities. It required physical reconstruction of much of the office and replacement of all destroyed furniture and filing equipment.

Most importantly, the department's records were also affected and a significant portion of them were lost. Much time and effort have been expended in the retrieval and reestablishment of information contained in those documents.

Probation officers and support staff were forced to operate without office or desk space, and under trying conditions. Their cooperation and performance were commendable and deserving of note.

District Court Department

Clerk-Magistrates William DiGregorio, Dudley Division, and Joseph Croken, Malden Divison

Caseflow management. In 1988 the District Court Department issued Standing Order No. 1-88, the implementation of Time Standards in civil cases. The order provides for automatic dismissal in cases when certain guidelines are not pursued by counsel. This is based on the reality that most civil cases can be, and are, disposed of without the necessity of trial. The order seeks to move such cases out of the litigation stream as quickly as possible and with minimal court involvement. The court takes firm control of the case after one year.

The District Court began to experiment with a new circuit system for disposition of civil cases, as well as other types of cases that require special attention. The system involves the assignment of one or more judges to circuits composed of several district courts. The assigned judge handles particular categories of cases in those courts for a given period, insuring that special attention is directed to them. It is likely that this system, which has proven productive, will be extended throughout the department.

Other changes in the judicial assignment are also being actively studied to insure that available judicial manpower is apportioned equitably among the courts without disruption of court business.

Trial de novo. In July 1987, a two-year experiment was begun in Essex and Hampden Counties to determine the feasibility of eliminating trial de novo, the practice of giving defendants the option of a second trial if they are unsatisfied with the results of the first. The elimination of trial de novo was recommended after an exhaustive study by a committee of District Court judges.

As some opponents predicted, the experiment has not brought the courts to a standstill. It has also shown the need for active judicial control of caseflow management at both the jury courts and the primary (originating) courts.

Legislation was filed to continue the experiment in those two counties for another two years to continue to refine the caseflow procedures.

Automation. The District Court began several initiatives pertaining to computers in the courts.

The major project was the design of a computerized court management system in the Brockton Division, to serve as a prototype for eventual extension to other district courts. The Brockton system will upgrade the present computer capacity of that court, and serve as the laboratory for the design of a state-of-the art system. The National Center for State Courts is preparing a requirements analysis as the first phase of the Brockton project.

It is also planned to extend SYSTEMATIC-II, a microcomputer-based case processing system designed in the Barnstable and Spencer Divisions, to other courts. This plan is presently awaiting the release of state funds.

With consultant assistance, the administrative office also designed a major system to connect via an electronic link the District Courts with the Registry of Motor Vehicles. This link facilitates the prompt and accurate exchange of information in drunk driving cases and more efficient processing of other motor vehicle cases. Implementation of this project is awaiting approval of necessary staffing.

Finally, a District Court Committee on Computers for Judges has been established with Judge Baron H. Martin of the Wareham Division as chairman. The committee is developing a judge's workstation. Included in the configuration will be a laptop computer, together with appropriate software and specific applications that are relevant to judges in their daily work.

Continuing education. A number of continuing education initiatives was commenced in 1988.

The District Court judges returned to Williams College in Williamstown for their third annual educational conference. Among the topics were search and seizure law, changes in Commission on Judicial Conduct procedures, computers, judicial stress, press relations, predicting violence in offenders, drugs, and civil law and damages.

L-R, John Garvey of Springfield Mediation and from the Chicopee Division, Presiding Justice James Landers and Clerk-Magistrate Paul Kozikowski. Chicopee started a mediation program in September 1988.

The clerk-magistrates and assistant clerk-magistrates also benefited from a series of day-long conferences on the use of mediation skills in their daily work. The meetings concentrated on how mediation might be used in show cause proceedings which clerk-magistrates hold to determine whether criminal proceedings should be commenced against an individual.

The videotape library maintained by the administrative office was expanded, and a revised catalog of available tapes was distributed. Also, all divisions were equipped with video recorders in 1988; an important step that will help to facilitate the use of video training materials in the District Court.

The year 1988 also saw the continuation of professional management training for the judges, clerk-magistrates, and chief probation officers of the District Court. In cooperation with OCAJ, Zenger-Miller Inc, a management training firm of international reputation, was designated to conduct a five-day small group management training programs for the key members of the management team in the local district courts. This program has now reached nearly half of the District Courts.

The District Court in cooperation with OCAJ continued to enroll District Court judges in the programs of the National Judicial College and other national judicial education organizations. The delegation of the selection process to the Regional Administrative Judges this year has helped to use available private funds effectively.

The strengthening of the District Court regional system has also permitted educational sessions to be held on a regional basis. Several sessions were held in 1988, and more are planned for the future.

Practice aids. A major "continuing" education function of the Administrative Office is to provide the courts with materials to assist in applying the law and making that application as uniform as possible throughout the District Court. One way of achieving this goal is through the issuance of *Standards of Judicial Practice*, written guidelines establishing standards of good practice in various areas of District Court jurisdiction. Many volumes of such standards have been issued over the years.

The year 1988 saw issuance of the latest volume of standards, covering care and protection proceedings. These revised standards provide useful guidance in all aspects of these important cases, which often involve the abuse or neglect of children.

Other volumes of standards in the areas of inquests and children in need of services proceedings are being developed.

Employee recognition. From time to time the Franklin N. Flaschner Foundation Inc. presents the Franklin N. Flaschner Memorial Award to an outstanding District Court employee whose work exemplifies the commitment to the improved administration of the

Director of Community Mediation Albie Davis

Probation Officer Tom Foley, Northampton Division

Regional Coordinator Mike Chadinha

Asst. Clerk-Magistrate Mary Coan, Peabody Division

courts of the late chief justice of the District Court, Hon. Franklin N. Flaschner. The award consists of a $500 honorarium and a certificate, the nominations forwarded by Chief Justice Samuel E. Zoll.

In 1988 the award was presented to three District Court employees: Court Officer Earl "Duke Belton, Springfield Division, Asst. Clerk-Magistrate Mary Coan, Peabody Division, and Asst. Chief Probation Officer Pat Kane-Thompson, Lynn Division. The awards were presented at the District Court Judicial Conference before an audience of the department's judges.

Regional Offices. The District Court regional structure dates back to 1977. Originally, each of the five regional offices consisted of a regional administrative judge and a secretary. In 1985 a professional staff person, a regional coordinator, were added to each office.

The year 1988 saw a major enhancement of regional office capabilities in the form of the addition of two performance analysts in each of the regional offices. The performance analysts provide the regional offices with a new capability to be informed on the strengths and weaknesses in the administration of the courts of the region, and to provide both assistance and accountability. This has resulted in a wide range of regionally-oriented initiatives to improve local court administration. Among these projects are the first-time auditing of the District Court annual statistics, which are being relied upon by more and more persons for varied purposes; a major examination of the state of the care and protection caseload in the District Court; a similar review of children in need of services procedures in use in the courts; a verification of the accuracy of dispositional information within the District Courts; and the monitoring of non-support tracking procedures in the courts.

Law clerks. Although the department consists of 153 judges sitting in 69 divisions, only two District Courts have had the benefit of law clerk assistance. Part of the regional office expansion has included the designation of law clerks to assist the District Court judges. Beginning in 1988, each of the five District Court regions has been served by two law clerks, operating out of the regional offices. The law clerks assist the individual judges of the region by travelling to the courts and providing on-site assistance, and by responding to written or telephone requests. These new support services have been well received by the judges of the District Court, particularly in the case of protracted cases requiring extensive research.

Registry Abstracts. During the past several years, the District Court has engaged in a number of initiatives to improve the processing of motor vehicle cases in the courts, and particularly the timely transmission of dispositional information (Registry abstracts) to the Registry of Motor Vehicles. This continued in 1988. This year, a collaborative effort by the District Court, the RMV and the Merit Ratings Board have produced a monthly management report that apprises each local court of its success in the prompt transmittal of this information. The report indicates the number of abstracts received, the length of the transmittal period, and the error rate on abstracts. This new report has been reviewed with each clerk-magistrate. It is hoped that the report will enhance accountability in this important area and provide local managers with important new data on their performance.

Mediation. District Court interest and support for community mediation continued to grow during 1988. In January, the Legislature passed an act establishing a Community Mediation Advisory Board and a Community Mediation Coordinator in the District Court.

To encourage the expansion of existing services or initiate new services, seven planning contracts were entered into between local courts and mediation programs. The Barnstable, Holyoke, Chicopee, Brookline, Roxbury, and Dorchester Divisions also worked with existing programs to expand services to their courts. New programs were developed to serve the Fitchburg and Plymouth Divisions, and planning activities were conducted with the Brockton District Court.

Steps also were taken to improve the District Court's ability to gather and analyze data about community mediation. The Crime and Justice Foundation was retained to work with the Office of the Chief Administrative Justice and the District Court Administrative Office to develop a method of evaluating mediation. Six local courts and programs were selected to test an evaluation instrument.

The mediation program published several reports in 1988. Information about community mediation was disseminated widely, and the coordinator of community mediation conducted many workshops on the subject. As in past years, technical assistance was provided to the local courts and the 30 community mediation programs in Massachusetts.

Law-related education. During 1988, the District Court Law-Related Education Program, which is co-sponsored by the Supreme Judicial Court, took a number of important initiatives.

Judge Isaac Borenstein of the Lawrence Division and the LRE program teamed up with WBZ-TV of Boston to produce an edition of "Raparound," a television show for high school students. The program focused on a mock trial conducted by the students and the role of the judge in the "truth-seeking" process.

The courts continued their involvement in the National Training and Dissemination Program in LRE. Major components of this included in-service training in Hingham, Boston, western Massachusetts, Marlboro, and other regions. Among the new groups introduced to LRE were vocational education teachers and administrators from across the state. The year

ended with a statewide leadership conference that attracted more than 300 participants. The conference was the stage for a major speech by U.S. Senator Edward M. Kennedy and a discussion about ethics in government by Dean Colin Diver, Boston University School of Law.

Probation Officer James Sutton, Dedham Division

ACPO Bill O'Neil and PO Daisy Bacener, Fitchburg Division

Housing Court Department

The most dramatic increase in the geographic limits of the Housing Court Department occurred during this last year. Chapter 755 of the Acts of 1987 established two new divisions and expanded the geographic jurisdiction of the Worcester County Division. Housing law has become so complex that the Legislature expanded its jurisdictional limits by establishing the Northeastern Division and the Southeastern Divisions. The Northeastern Division includes the cities and towns of Essex County as well as the Lowell and the Billerica, Chelmsford, Dracut, Dunstable, Groton, Pepperell, Shirley, Tewksbury, Tyngsborough, and Westford in Middlesex County. The Southeastern Division covers Bristol and Plymouth Counties. The Worcester Division added the towns of Ashby and Townsend of Middlesex County.

Chapter 245 of the Acts of 1987 transformed the Housing Court into an environmental court. Thus, the Legislature enacted Chapter 83 of the Acts of 1988 which reaffirmed its determination that the Housing Court should have the powers to address the environmental issues that affect the general public. Chapter 83 of the Acts of 1988 made the necessary corrective change to allow the Housing Court to retain its jurisdiction of "the use of any real property and activities conducted thereon as such affects the health, welfare and safety of any resident, occupant, user or member of the general public and which is subject to regulation of local cities and towns under the state building code, state specialized codes, state sanitary code and other applicable statutes and ordinances." The Legislature recognized in that legislation that it was difficult to separate the issue of housing from other problems affecting the general environment of the cities and towns.

The Housing Court once again has been able to remain current in its caseflow because of the innovative management techniques that the court has developed. A crucial part of this caseflow management is the mediation service. Under the supervision of Judge William H. Abrashkin of the Hampden Division the department provided to mediation skills training to all housing specialists.

Hampden Division. The Hampden Division staff and facilities saw an 8.5 percent increase in civil cases, which are the most contested and time-consuming matters presented for adjudication. The addition of environmental jurisdiction to the court brought several major cases, including a lead paint action against a major paint manufacturer, and a chlorine gas case following a fire in a Springfield chemical plant, which were filed this fiscal year.

Hampden staff, led by Judge Abrashkin, made many appearances in the community, speaking to landlord and tenant groups, and participating in community seminars and committees. Clerk-Magistrate Jerrold Winer participated in the grant application which resulted in the appointment of a Speedy Eviction Coordinator in drug cases, and Judge Abrashkin continues to participate in the Western Massachusetts Inter-City Legislative Subcommittee, as well as the SJC-appointed Gender Bias and Court Facilities Committees. The Hampden Division was assigned through the efforts of Chief Administrative Jusice Arthur M. Mason and Chief Justice E. George Daher an administrative attorney to act as an assistant clerk-magistrate, thus answering a 15-year need.

Within this fiscal year, there was increase in contested summary process cases which were mediated by court personnel acting, resulting in written settlements.

Worcester Division. Fiscal Year 1988 was the Worcester Division's second full fiscal year of operation. Total filings during this period were 4,595, a 27 percent increase from FY '87.

The Worcester Division has jurisdiction over disputes arising out of property located in Worcester County (four cities and 56 towns), Bellingham in Nor-

Housing Court Judge John G. Martin, Worcester Division

folk County, and Ashby and Townsend in Middlesex County. Of the department's 10 sessions during the week, seven are held in Worcester and one each at the Uxbridge, Dudley, and Fitchburg Divisions.

During FY '88 the Worcester Division responded to many requests for training/orientation sessions by tenants, landlords, lawyers, and inspectors.

The task of acquainting people with the broad geographic and subject matter jurisdiction of the court will continue for several years.

During FY '88 1st Asst. Clerk-Magistrate Paul Groesbeck coordinated the development of a computer system that will be implemented in all three operating divisions in FY '89. By the end of FY'88, a request for proposal was prepared and circulated. The system will automate most of the time consuming aspects of court operation, freeing up valuable staff time so that court service can be streamlined and improved.

Boston Division. In the previous fiscal year the Boston Division instituted a new program pursuant to M.G.L. c.40, s.21D. The City of Boston has exercised the option of issuing a written notice to offenders of certain ordinances to appear before the clerk-magistrate of the Housing Court. The program could not have been implemented without the help and cooperation of the Suffolk County Courthouse Commission and Chief Administrative Justice Mason. The volume potential of the program has proven to be enormous. In this one program the court collected $309,898.50. Considerable resources have been allocated to this one program; 17,657 citations were issued and 4,450 hearings were held for those persons who requested court adjudication. It is the court's view that the success of this program cannot be defined solely by the amount of fines collected, but rather by the encouragement of environmentally sound trash disposal and abatement of illegal dumping.

The court is also very appreciative of the cooperation shown the department by the Suffolk County Law School and Dean Sargent in agreeing to be appointed receivers in complex landlord-tenant cases where the intervention of a third party is necessary to preserve affordable and decent housing for the state's citizens.

Juvenile Court Department

Presiding Justice Joseph Pellegrino, Springfield Division

The Juvenile Court Department consists of four divisions located in Boston, Bristol County, Springfield and Worcester. These divisions deal with all cases of delinquency, CHINS (Children in Need of Services) and Care and Protection petitions. In those areas without juvenile courts, similar jurisdiction is exercised through the juvenile sessions of the District Court Department. The Juvenile Court Department also exercises jurisdiction over all de novo appeals within their respective counties.

The Juvenile Court continues to search for those sources and services which support the best interests of the children before the court. Successful client support programs in any divisions are extended to other jurisdictions when similar needs prevail and implementation mechanisms are attainable.

Juvenile diversion programs. The Boston Division's 52-year-old Citizenship Training Group (CTG), the Springfield Division's Youth Development Program Inc. and the Worcester Division's Y.O.U. Inc. continued to provide a mulfitude of rehabilitative services to selected youth before the court on delinquency/CHINS cases. These services range from diversion from the criminal justice system in minor matters to intensive supervision in more serious cases. Following some structured retraining and improved behavior, many youngsters are referred to community service positions, or some jobs to establish healthy work habits, provide income in some sorely needed situations, generate community and family responsibility and, in some cases, help provide for court-directed monetary assessments. These specialized programs enable the courts to arrange some individualized attention, opportunity and treatment for young offenders, to help them re-direct their lives to useful citizenship. The availability of such dispositional options can, in many cases, provide an alternative to placement in the custody of a state agency until he or she reaches independence.

The Worcester Division continued its truancy screening committee, which includes representatives

from the school, the Department of Social Services, parents, and, if desired, attorneys. Chaired by an assistant chief probation officer, this committee attempts resolution of individual truancy problems on an informal basis. Worcester has also continued the expansion of its CHINS Mediation Program. In Boston, probation officers continued as liaisons to an assigned number of schools. This school liaison program, designed to identify early school behavior problems, recognizes the court's availability as a community service and operates on the professionally accepted premise that early and appropriate intervention (not necessarily court action) can help to defer a child from later and more serious involvement in the criminal justice system. The Springfield Division continues to mediate the resolution of certain delinquency complaints that lend themselves to the agreement of the parties.

The Boston Division's Interim Education Program, which involves the purchase of services from five urban facilities, is assigned not only the task of providing remedial educational services for potential dropouts, but also the role of patient and interested advocacy. This program gives to a revolving population of more than 100 youths the unparalleled opportunity to take control of their lives at a very vulnerable stage of growth and development and accomplish their own return to traditional classrooms.

The Boston and Worcester Division CASA (Court Appointed Special Advocate) Programs were continued this past year and a similar program is planned for Springfield. Qualified volunteers are recruited and trained to act as guardians ad litem and appointed to report on the best interest of a child in Care and Protection cases. These individuals, diverse in personality, experience and education, make an 18-month commitment to monitor a child's general welfare, status and progress to help insure that child abuse victims do not languish in temporary foster homes and to aid the court's evaluation of the implementation and effectiveness of the services ordered and considered appropriate to reach this objective.

Recognizing the need for assurance of the safety of our children and the maintenance of family integrity where Care and Protection issues are in question, the court, under certain circumstances, orders that special and direct supports be provided so that the children may remain at home. At Boston, one such private component, Family Preservation Services, provides, through court order, the catalyst allowing certain families to remain together in some such situations.

Court clinics. During 1988, the department has continued to support the activities of court clinics in four divisions through both direct and purchase of service methods.

In Bristol County, clinical services have been expanded from New Bedford to the sessions in Taunton and Attleboro. Each of these court clinics provide

Procedures Clerk Donna Connor, Springfield Division

diagnostic and consultant services to judge and probation staff in managing difficult and complex cases involving troubled children and families. Adolescent therapeutic groups are used to assess their members' needs and to buttress staff efforts toward the toward the prevention of further delinquency.

The department also is working with representatives of the Division of Forensic Mental Health to establish a clinic for its Fall River Division and to develop programmatic and clinical standards which will make resources available for the other departments of the Trial Court where problems of children and families are addressed.

The Juvenile Court has become a training site for unprecedented numbers of young men and women observing the court setting, contributing voluntary services, and fulfilling practicum course requirements as interns. These young aspirants to the law enforcement, legal, medical, and social service professions receive significant "on the job" training and supervision to the credit of the Juvenile Court staff in each location.

Often the problems presented in cases before the Juvenile Court are complex, and the service of more than one agency is required for their resolution. To assist the Court in obtaining these services and to insure coordinated delivery, the Executive Office of Human Services continues to assign a staff person to serve as liaison between the court and its agencies. This association has expedited the provision and delivery of appropriate services to the mutual clients of the court and the agencies.

Automation. During 1988 the Juvenile Court Department continued the development and implementation of its automated Information and Records Access System. All cases filed as of Jan. 1, 1988 were entered directly into their respective division databases. Conversion of the remaining active cases is planned for 1989 as well as completion of the networking of all the divisions. The application software has been enhanced by the inclusion of a forms module which will allow the automated generation of those most frequently used forms. The development and implementation of this

system has been accomplished through the continuing enthusiasm and cooperation of the personnel of the Juvenile Court Department and its divisions.

To protect the public, hold the offender accountable for his or her actions, afford youngsters before the court an opportunity to re-direct their lives to useful citizenship, and to provide for the innocent victims of abuse/neglect, constant and additional services are required. The Juvenile Court continued to research, identify, and update those resources available to them which add options to its dispositions.

Land Court Department

Jurisdiction. Nineteen eighty-eight marked the 90th anniversary of the Land Court Department. The Court was created to ensure the constitutionality of the Torrens systems of registering title to land in the Commonwealth. Similar systems in other states had failed for want of such an institution, and for many years the Court was better known internationally than locally, particularly in those foreign institutions where the Torrens system was the only system of land recordkeeping. To some extent this is still true. Hawaii has the only other court of its kind in the United States.

The Land Court Department is located in Boston, but because it has statewide jurisdiction, it holds proceedings throughout the state, depending upon the needs of litigants. Effective July 26, 1988, the Court consists of four justices, one of whom serves as the Administrative Justice of the department. The staff of the Court consists of 78 people in addition to the justices. Due to the specialization of the Court's jurisdiction, the staff includes a proportionately large number of attorneys who specialize in overseeing specific kinds of cases. The Court also employs a staff of survey engineers and engineering draftsmen.

In addition to complaints for registration and confirmation of title to land, the Land Court has exclusive, original jurisdiction over all complaints affecting title to registered land, actions to foreclose and redeem tax titles, various actions involving title disputes and flaws under M. G.L. 240 as well as complaints under that statute to determine the extent and validity of zoning ordinances and bylaws.

With the Superior Court Department, the Land Court has jurisdiction over most other real estate matters, fraudulent conveyances, civil trespass actions and the processing of mortgage foreclosure cases under the federal Soliders' and Sailors Relief Act of 1940.

The change in the Court's jurisdiction with the greatest impact on its operation was its expansion two years ago to include appeals from local planning boards regarding the subdivision of land and appeals from decisions of local boards of appeal and special permit granting authorities. The former jurisdiction is shared with the Superior Court Department and the latter with the Superior Court, District Court, and, in some locations, the Housing Court Department. These kinds of cases have resulted in more trials at the Court. With the lack of available courtroom space and the lack of support staff, the increase in contested proceedings has taxed the Court's resources.

Computerized Case Docketing. Begun in cooperation with OCAJ in 1984 with the automation of tax lien foreclosure cases, the computerization of case docketing at the Land Court was completed. Manual entries in unwieldy bound docket books continued to be made only for those cased filed prior to the implementation of the automated system and dual entries are no longer made. All new cases, of any kind, whether contested or uncontested, are coded manually and then entered into a computer file by a case docketer. All pleadings pertaining to the case and notations of any action or decision taken are added to the computerized docket file. The cases are accessible by case number and by names of parties and depending on the type of case, information regarding it can be accessed by using various other data elements.

At present, six microcomputers are dedicated to the docketing system. One microcomputer, along with one printer, is available solely for public use. Public response to the system was positive. Another microcomputer and printer are used almost exclusively by court legal staff, especially assistant clerk-magistrates, who access case information for a variety of purposes.

The automated system has many advantages over the old manual system, especially the speed at which information regarding cases is entered and thus available for use by the public and by the Court. The automation of the entire case record will enable the Court to use the data accumulated for many purposes. The same data in the form of a manual entry in a book was useful only for a single purpose: to show the last entry made by a docketer in a case.

The acquisition and installation of a local area network, planned for early 1989, will render the system even more useful. Other microcomputers to be acquired for trial clerks, secretaries to the justices and perhaps for use by the Court's Administrative Justice, will be part of the network. Intially, networking the docketing system microcomputers will make possible the easy exchange of information among docketing staff and will better enable the Court to make and change work assignments. In its present configuration, only one docketer can access particular types of cases at a time. The network will also make possible automation of case calendaring and generation of notices, daily lists, and related materials by courtroom procedure clerks.

Time Standards. Although the Land Court Department was not required to implement Time Standards, the Court chose to participate in the program to the

extent that its application would serve the ends sought to be achieved by the SJC. In May 1988, the Court promulgated Standing Order 88-2, effective on July 1, 1988. The Court's Time Standards order was based on the one formulated by the Superior Court Department but modified to apply to Land Court jurisdiction. Time Standards cannot be applied usefully to real estate tax foreclosure cases nor to registration cases. Imposition of Time Standards to the former could prevent defendant tax delinquents from entering into arrangements with plaintiff cities or towns which would enable the payment of taxes over time, arrangements which benefit both plaintiff and defendant. For reasons beyond the control of the Court or of litigants, registration cases may frequently exceed the two years applicable to time standards. Accordingly such cases are ill adapted to the required constraints.

All other cases entered after July 1, 1988, are assigned to various "tracks" and attorneys are provided with an individualized schedule of case milestones. These calendared are printed from the computer file constructed from the case docketing system. The first milestone for all cases in all tracks is the completion of service within three months of filing of the complaint. The present computer system permits courtroom procedures clerks to extract from the computer, by case number, lists of cases which have reached the service milestone, state the number of defendants in the case and the number of defendants upon whom service has been achieved. If the printout indicates lack of service, the plaintiff's attorney is notified that the case will be dismissed against those parties defendant unless the Administrative Justice otherwise orders.

Very few objections to the Time Standards Order have been made and no serious opposition is expected. Thus far, there has been only one request to change a track designation. Prior to Time Standards, most contested cases were tried well within the two year-period mandated by the SJC. It is expected that this will continue to be the case. Implementation of the order will ensure that matters continue to move quickly and will enhance the Court's ability to manage and oversee the process.

Engineering Study. In September 1987 the Court issued a request for proposals to several institutions with expertise in the field of survey engineering. The purpose of the request was to engage consultants to conduct a study of the Court's Engineering Division to determine why the division had a serious backlog in plan production and to make recommendations as to how Division procedures could be improved. The successful bidder was Northeastern University of Boston. A team of experts was assembled and spent several months studying the division, interviewing personnel and private surveyors.

The result was a comprehensive report which was submitted to the Court in June 1988. During the summer months, the Justices of the Court and the chief engineer studied and discussed the report to determine the best way in which to implement the Northeastern proposals. In the fall the Chief Justice directed that several of the recommendations involving personnel and the rearranging of tasks be undertaken.

The chief recommendation of the Northeastern group was that plan drafting tasks of the Court be automated as fully as possible. The consultants have suggested several hardware configurations, any of which will include the automated drafting plotter which the Court has owned since 1981 as well as at least four new microcomputers to be used by engineering personnel. The key to the new system will be the specialized software recommended by the consultants. At year's end the Court was preparing an RFP to be issued at the beginning of the new year. It is hoped that the funds required to purchase and install a suitable system will become available within the next fiscal year.

Condominiums. Condominium unit ownership continues to grow in the Commonwealth. The review of registered land condominium documents was once one of many other tasks performed by Court legal staff. For the past several years it has been the sole task of one of the court's administrative attorneys. Some 260 registered land condominiums (either new or conversions) were created in Fiscal Year 1988. The Court's review of the constituent documents is not statutorally required but is implicit in its general superintendence authority over registered land under 1986 c. 185. The condominium statute itself, 1986 c. 183A, has few mandatory provisions. In the absence of a revision of that statute, the Land Court has a number of requirements that the documents must meet before it will permit their registration. It is the court's opinion that such documents are generally of a much higher quality, better serving all involved in a condominium project, than those relating to unregistered land.

Section 16 of c. 183A states that if the land which is part of a condominium is partly on registered and partly on unregistered land, the owner of the land may seek to have the Court order deregistration of the registered parcel. This is one of only two ways in which land can become deregistered and while the court naturally regrets any diminution of registered land, it is not unaware of the difficulties posed for the owner of land covered by two recordkeeping systems. During FY '88 the Court issued approximately 30 deregistration orders.

Automation of Budget Process. In the summer of 1988 the Court acquired a microcomputer and business software which will enable it to automate part of the budget process and make fiscal planning more orderly. The same computer may prove useful in tracking accounts payable.

Case storage. During 1988 with the approval of the

Supreme Judicial Court, the Land Court was able to move from its premises several thousand cases which were eventually destroyed, thus making some additional room for new cases. Nevertheless, case storage continues to be a problem at the Court and efforts to store additional cases and destroy as many as are permissible will be made in 1989.

Court Facilities. No measurable improvement in Land Court premises occurred in 1988. Like other departments occupying the Old Suffolk County Courthouse, conditions continued to deteriorate throughout the year. State takeover of the complex in October was, however, cause for some optimism. Perhaps the Land Court Department will celebrate its centennial in premises befitting the occasion.

Probate and Family Court Department

The Probate and Family Court Department has jurisdiction over such family-related matters as divorce, separate support, family abuse protection (concurrent), elderly abuse protection, disabled person's abuse protection, custody and adoptions, as well as probate matters such as wills, trusts, guardianships, conservatorships, etc. It also has general equity jurisdiction, the basis for new types of cases such as "right to die" actions, medical treatment of incompetents and administration of anti-psychotic medications. A year ago, the department was given new concurrent jurisdiction with the District Court over civil paternity and non-support actions.

There are 37 judgeships and three recall justice for the department's 14 divisions, one in each county. Each division consists of an elected register of probate and various assistant registers and clerical employees. Each division, except the two island counties, also has a Family Service (Probation) Office which provides support enforcement, mediation, and investigation services for the court. The Judicial Needs legislation added six new judges to the department.

Case Management. The department continued its case management initiatives during the year. The continued use of full-time satellite sessions at the Concord, Marlborough, Lawrence, Wrentham Divisions of the District Court Department, and Boston University School of Law assisted the court in disposing of large numbers of complex and long cases. Using part-time satellite sessions at the Fitchburg, Lowell, and Westborough Divisions and infrequent sessions at the Metropolitan State Hospital, Medfield State Hospital, Westborough State Hospital, Bridgewater State Hospital, Taunton State Hospital, and the Fernald, Dever, and Wrentham State Schools, the court conducted regular sessions for cases in which trials the shire towns would have been inconvenient or difficult.

L-R, Judge Neil Dunphy, Chief Probation Officer Bill O'Riordan, and Asst. Register John Cross, Hampshire Division

Executive Secretary Anthony Nesi

The Case Flow Management Committee continued its annual visits to each division; all divisions have now been visited four times. The committee meets with local justices, registers, registry and probation staff, and local bar associations and makes recommendations to the Chief Justice and the Chief Administrative Justice on its findings. The implementation of these recommendations has brought the department into compliance in almost all divisions with the Supreme Judicial Court's Time Standards for the disposition of cases, which took effect in July 1, 1988.

Child Support. Child support enforcement was an important topic in 1988, as the court continued its implementation of Chapter 310 of the Acts of 1986. The act gives the court concurrent jurisdiction with the District Court over paternity actions and civil child support complaints. Mandatory wage withholding and the court's growing caseload increased child support collections by the court's Family Service Officers from the 1987 level of $73 million to a new record high of $83 million in 1988.

A statewide uniform word processing project was undertaken during fiscal 1988. After working with a committee of judicial secretaries to determine the capabilities needed of their work, bid solicitation and

evaluation took place in conjunction with the OCAJ, culminating in the award of a contract for the acquisition of 70 word processors for judicial, registry, and probation secretarial staff throughout the department. The machines were installed, and training was conducted in September 1988.

After design and bidding were done in conjunction with the OCAJ on a statewide forms printing system for the department in FY '87, a statewide contract for 85 commonly used forms was signed for FY '88. Under the system, all commonly used forms for all divisions will be printed by a single vendor; the courts will requisition the forms from inventory for use locally. The system will give cost economy, uniformity of layout and content and professional design assistance to the department. Layout and approval of proofs began in FY '88; full implementation will take place in 1989.

The department continued its bench-bar communication practices during the year. The Administrative Committee met several times with representatives of statewide bar committees to discuss mutual concerns, proposed rules and practices, and legislative matters. Again, meetings were held on a local level with county and city bar associations during the Case Flow Management visits to take up issues within individual divisions.

In 1988 under a federal grant the department generated a statewide inventory of cases in which children were placed in foster care by Probate orders. The inventory will be used to conduct foster care reviews to assure those children of appropriate permanent placements. An offshoot of the project was a complete review of forms, rules, and practices affecting children in foster care and a dialogue with local attorneys for the Department of Social Services. The project will continue into 1988.

Numerous rules amendments governing different areas of practice were adopted by the court in 1988 including standing orders concerning pre-trials and Time Standards; service of process in domestic cases; issuances of citations on probate accounts; and limits on fees of guardians ad litem.

During the year the department noted the deaths of two eminent jurists the Honorable Francis W. Conlin of Worcester Division and the Honorable Haskell C. Freedman, a recall justice.

Superior Court Department

The Superior Court Department has undertaken several initiatives to expedite the fair and orderly disposition of cases.

Time Standards. The Superior Court Department adopted the Time Standards Tracking Order to comply with the Time Standards of two years set by the Supreme Judicial Court for all cases entered in the Superior Court Department after July 1, 1988.

The responsibility for implementation of the Time Standards Tracking Order rests with the Court. Success will depend, in great measure, on our willingness to review and perhaps redefine our management responsibilities. The Court, not the attorneys, must control the pace of litigation from inception to resolution.

Our effectiveness in the implementation of this control will be determined by our commitment and our efficient use of the judicial resources while preserving the quality of justice and the right of our citizens to a fair and impartial trial.

The essential elements in the implementation of Time Standards are:

- A strong and continuing judicial commitment to delay reduction which will require supervision and control of the pace of litigation from the date of entry to the date of final disposition.
- A firm, uniform and predictable enforcement of the Time Standards Standing Order.
- Judicial monitoring of all cases to insure compliance with Time Standards.
- Giving priority to Time Standards cases.
- Automated monitoring system to furnish the session prompt and reliable information concerning the status of cases subject to the standing order.
- The assignment of a firm trial date is essentially necessary to the success of this or any other time standard program.
- A firm and consistent continuance policy is directly related to the important "date certain" trial scheduling. Continuances should be granted only in the Court's discretion for good cause shown with reasonable accommodation for the schedule of trial counsel.

Backlog. The backlog must and will be addressed, but priority will be given in the Time Standards sessions to post July 1, 1988 cases. It is anticipated that there will be additional sessions in each county to work on the pre-July 1, 1988 cases. Seven new judges are expected in Fiscal Year 1989 and eight new judges in FY 1990. Then the department will be in a better position to proceed with a plan for disposing of old cases.

Consistent with the priority given to cases filed after July 1, 1988, trial priority should be given to cases filed before July 1, 1988, in which a certificate of readiness, signed by all parties, has been filed. These are cases where motions for speedy trial have been allowed, and

Judge Cortland A. Mathers

cases that are afforded a speedy trial by statute.

New Administrative Justice. Justice Robert L. Steadman was inducted as the 13th Chief Justice of the Superior Court Department at a special sitting of the Court held at Faneuil Hall in Boston on August 11, 1988. He succeeded Administrative Justice Thomas R. Morse, Jr. who presented him with a traditional gavel inscribed "We few, we happy few, we band of brothers and sisters."

Superior Court Journal.. The Superior Court Department started the publication of a quarterly newsletter, *The Superior Court Journal*, to serve the Court's needs statewide. The first issue, distributed in November, 1988, contained 24 pages of articles by the department's Judges, clerk-magistrates, and administrators.

Judicial Secretaries. During FY 1988, all judicial secretaries received work stations which included state-of-the-art microcomputers, laser printers, and software. Installation and training were completed using internal resources with the assistance of vendors.

Computer-Assisted Transcription. Approximately 20 court reporters have received XScribe computer assisted transcription systems. These systems permit faster and more accurate transcription of courtroom activities than was previously possible. They allow participants to review transcripts almost immediately, and to use the files thus created in industry standard computers (such as the new secretarial workstations).

Procedures Clerk Joanne Herring, Hampshire Division

Computerized First Criminal Sessions. To deal with increased criminal business, departmental caseflow management goals, and Supreme Judicial Court orders relating to jail overcrowding, the Superior Court Department has implemented two microcomputer-based case tracking systems on the criminal side. The Middlesex system was designed to operate on an earlier generation of hardware and software (Victor microcomputer and dBASE II) and is being upgraded through the cooperative efforts of the Criminal Regional Administrative Justice, the Office of the Chief Administrative Justice, and the Administrative Justice. The Suffolk system was developed and implemented entirely on a newer system (reflecting its development at a later time), and reflects a similar approach to managing the Court's criminal business.

Regional Coordinators. The Superior Court Administrative Office recently hired five regional coordinators with 92 years of Trial Court experience. They are Archie Keohan, James Klein, Eugene Levine, Robert Panneton and Marie Zollo. They will be instrumental in the development of goals and initiatives for the Superior Court Department and will provide the in-depth analysis that is necessary in making prudent decisions on issues such as caseflow management, automation of the Superior Court Department, budgetary requests, and the training of personnel. The regional coordinators will serve as an important resource for Judges and clerk-Magistrates.

Lawrence Superior Courthouse. October 1, 1988 marked the effective date of the transfer of the Lawrence Superior Courthouse from the County of Essex to the Commonwealth of Massachusetts. Repair of the courthouse is a priority for the state now that it has assumed ownership. The courthouse was damaged by a fire in 1981 which destroyed one of its three courtrooms. A study on the building has been completed and a design is underway. Besides repairing the fire damage, plans call for upgrading the heating, ventilation, and air conditioning system, adding a fourth courtroom and improving handicapped accessibility.

The project is expected to cost $6.2 million with construction beginning in January 1990 and completed by March 1991.

Regional Administrative Justices' Duties. The Regional Administrative Justices provide great assistance to the Administrative Justice of the Superior Court. To formalize their responsibilities, their duties have been reduced to written form.

The duties of the Regional Administrative Justices (RAJ) are to assist their Administrative Justice of the Superior Court in the discharge of his/her management and administrative responsibilities. Administratively, the RAJ shall be the alter ego of the Administrative Justice when exercising delegated responsibilities performed under his or authority.

To achieve efficient, consistent and effective use of

judicial and non-judicial resources, the RAJ shall preside in his or her region while in office except where the Administrative Justice shall otherwise direct.

The RAJ shall have the following management authority in his/her region provided the authority is exercised within the limitations imposed by the Administrative Justice.

- Implementation of Superior Court Department policies, procedures, standing, orders, and directives.
- Implementation of the Superior Court Department Time Standards Standing Order, including monitoring and superving the movement of all cases, civil and criminal, from the date of disposition.
- Administration of Superior Court Department personnel, including but not limited to special masters, court reporters, secretaries, law clerks, and court officers.
- Assign Justices when appropriate and necessary to assist in the jury pool orientation of trial jurorand to hear all requests to be excused from the jury pool for substantive reason and; assign a Justice to instruct the Grand Jury, resolve any issue of law, take the Grand Jury returns and after completion of their service, to discharge the Grand Jury.

Civil Action Cover Sheet. To facilitate court case data collection, case management, and the transfer procedure in the Superior Court Department, pursuant to Superior Court Department Rule 29, a new civil action cover sheet was developed.

The new cover sheet is a two page, 8.5" x 11" carbonless copy form with a tear off stub. The face sheet (white) is the original, filed by the plaintiff and will remain with the Clerk-Magistrate's papers. The carbonless copy (buff) will be transmitted to the appropriate Time Standards Session and kept in a note book. All of the required writing will be done on the face sheet; the reverse side is instructional, offering a menu of types of actions and a portion of Superior Court Rule 29.

Rule Changes. In conjunction with Superior Court Time Standards Order 1-88 and the Time Standards Implementation Plan, the Superior Court Department Administrative Office reviewed several procedural and housekeeping rules and 32 standing orders and made certain additions, modifications, and deletions, effective October 3, 1988.

The changes were designed to insure that the Superior Court Department Rules and Standing Orders were equipped to deal with the flow of cases in the era of Time Standards and to reduce potential conflicts between those Rules and Orders and Time Standards Order 1-88.

Educational Workshops. The Superior Court Department Administrative Office is challenging the traditional, time-consuming, classroom style of teaching by using a new method for training employees. This new format is called a seminar, workshop, clinic, or conference.

Chief Probation Officer Paul Kingston, Hampshire Division

Regional Coordinator Bob Panneton and OCAJ's Mark Greeley, Case Management Dept.

Asst. Executive Secretary Greg Baler

Procedures Clerk Diane Gibbons, Norfolk Division

With the implementation of Time Standards and the increased responsibility for caseflow management among Judges, Clerks and their support staff, it has become imperative that we make the best possible use of limited resources through structured programs like these seminars.

The three programs completed since April 1988, have addressed concerns raised by Superior Court Department personnel statewide. Participants have spent a considerable amount of time sharing information between policy makers and those responsible for translating policy into action.

In late October, Middlesex and Suffolk counties began implementation of a fully computerized civil tracking system. The administrative office has been running a series of training programs designed to acquaint users with its features. These programs also gave users the opportunity to assist in revising the new procedures to meet their needs.

With the cooperation of the Office of the Chief Administrative Justice and the National Center for State Courts, an intensive workshop session was held for Suffolk County Judges, Clerk-Magistrates and support personnel. A similar program is planned for Middlesex County for the end of this year.

Encouraging the free flow of ideas and experience through seminars, workshops and conferences is a primary goal of administrative office activities in the areas of training and education. Through maintaining open communications between departmental personnel (both among themselves, and between their respective offices and the "eleventh floor") it is hoped the Court will be able to realize maximum benefit from the accumulated expertise of their employees.

The administrative office will continue to present educational workshops on caseflow management principles and the Time Standards to address whatever problems may arise during the course of the implementation effort.

Civil Case Computerized Tracking. To implement Civil Time Standards, the administrative office supervise the development of a computerized case tracking system by the IBM Corporation and the United Engineers Corporation. The system is designed to enable the Court to manage cases by providing Time Standards session Justices with accurate information regarding the tracking status of each case. Additionally, the system automates many clerical tasks in the Clerk's office, such as generating dismissal and default notices, which would have to be done manually. The system has been implemented only in Suffolk and Middlesex Counties on a demonstration basis.

Office of the Commissioner of Probation

The Office of the Commissioner of Probation (OCP) consists of four divisions: Probation Services Administration Division (PSAD), Training and Development (TADD), Management Information Division (MID), and Office Administration Division (OAD). Each division plays a unique role, contributing to the effective and continuing operation of OCP.

Located in Boston, OCP serves as the central administrative office for the Massachusetts Probation Service. The Commissioner establishes standards for probation practice, provides training to probation personnel in the various aspects of probation work, qualifies individuals for appointment as probation officers, conducts research studies relating to crime and delinquency, and monitors the operations of local probation offices. In addition, OCP maintains a Central File of statewide criminal and delinquent information. This automated system of offender information allows OCP to act as a statewide clearinghouse for the collection and dissemination of the record information to courts and other approved law enforcement agencies. This Central File, the only one in the United States, contains more than one million offender records.

Jurisdiction. Currently, there are more than 1,100 probation officers assigned to 103 probation offices within the Commonwealth. Probation officers are assigned by the Commissioner of Probation to the various court departments throughout the state: Boston Municipal Court, District Court, Juvenile Court, Probate and Family Court, and Superior Court Departments.

Probation is a criminal sentence whereby a convicted offender is allowed to remain in the community, subject to imposed conditions. Probation is often confused with parole, which is the conditional release of an offender after having served a portion of an imposed prison term. Probation is a community-based alternative to incarceration.

Probation Services Administration Division. PSAD monitors the many diverse probation services, technical assistance, special probation projects, and interstate compact.

Significant progress was made in aiding the local probation offices to improve professional practices and enhance services to the local community with the certification of 46 additional probation offices. The certification process is part of a three-year plan, developed by the Commissioner of Probtaion, which ensures that Investigation, Risk/Need, and Supervision Standards are being delivered uniformally throughout the Massachusetts court system, and, at acceptable

levels of professional practice. Regional administrators provided on-site training to the 61 courts that were participating in the Criminal Offender Record Information network (CORI) Automation Projects.

PSAD conducted a variety of other projects as well: the Batch Inquiry Project, the Indigency Verification Project, and Revised Standards Implementation. In addition, three training workshops were designed and presented by Regional Administrators on offender supervision, probation revocation, and management information. In July 1988, the Massachusetts Interstate Compact Service promulgated a new uniform set of transmittal forms and procedures designed to facilitate and implement probation services under the National Interstate Compact Act. The present use of the forms and procedures has made the response to compact service requests more efficient with current activity consisting of 1,069 incoming cases and 284 outgoing cases.

Training and Development Division. Training, program development and planning, public relations, criminal justice research, and OCP microcomputerization are some of the functions of the Training and Development Division.

The training of probation officers in 1988 included many workshops offered throughout the year. Workshops focused on management principles, supervisory liability update, the female offender, family service officer, probation investigations, compulsive gambling, and alcoholism assessment and intervention.

The Training and Development Division completed the following projects during the year: Risk/Need Supervision Standards for the probation service were revised, and law education and career information were presented to the educational community. In May 1988, the annual statewide Probation Conference was held. The theme of the conference was "Perspectives on Family Violence." This conference was attended by 350 probation personnel.

The Research Department achieved several important goals, including the publication of *The New Female Offender*. This study contains important data on females who have come before the courts. A major computerization project for OCP added several new microcomputers and printers. Computer training was also provided. A database on the Risk/Need probationer population was developed and responses to 3,294 requests for statistical research information were issued. A total of 340 press releases were mailed to announce research findings and developments and probation officer appointments.

Management Information Divisons. Management information systems, the Probation Central File, and the computerization of the criminal records, the Criminal Offender Record Information network (CORI), are the primary responsibilities of the Management Information System.

OCP completed a two-year probation standards project with 61 probation offices certified in compliance. Bristol Juvenile is awarded certification. L-R, Presiding Justice Ronald Harper, Commissioner of Probation Donald Cochran, Chief Probation Officer John Wade, and Regional Administrator Milton Britton

Chief Probation Officer Robert Belliveau and Administrative Assistant Dick Tully, Essex Juvenile Probation District

L-R, Northern Worcester Juvenile Probation District received its certification. L-R, Asst. Chief Probaion Officer Bob Nevard, Presiding Justice Andre Gelinas, Fitchburg Division, Chief Probation Officer Mary Gibbons, and Deputy Commissioner of Probation Walter Murphy.

In 1988, a total of 30 offices was added to the CORI system, bringing the year's total to 61 probation offices with direct network access to information in the Probation Central File. The number of records on line also increased, totaling 154,000 active offenders with complete records and 510,000 active offenders with partial records.

Several steps were also taken to allow courts to make partial use of the computer information for retrieval. These steps included merging duplicate offender records and using CORI terminals to communicate with the Probation Central File for record checks through the Batch Inquiry Project. Simultaneously, a computer program was written so that the criminal histories of committee offenders would be available to the Criminal History System Board for dissemination to Corrections, Sheriffs, and the Parole Board.

The Probation Central File had substantial increases in volume. Inquiries totaled 735,588, up 8.3 percent from 1987, police teletype inquiries totaled 231,686, an increase of 21.1 percent from 1987, and in-person inquiries 35,093, a hike of 27. 3 percent from 1987.

Office Administration Division. OCP's budget and fiscal affairs, personnel services, legal matters, sealing of records, safety, and building liaison are a few of the responsibilities of the Office Administration Division.

In 1988, the OAD was responsible for the completion of 4,200 record sealings. Concurrently, 3,623 records were "data prepped" for entry into the sealing on-line computer system, and 1,542 cases have been entered into the system to date. Other projects included upgrading security throughout the offices of OCP.

The annual conference discussed "Perspectives on Family Violence." More than 300 probation personnel attended. Chief Probation Officer James Casey, Bristol Division, Probate and Family Court Department asks a question at the plenary session

Probation Officer James Trepanier and Chief Probation Officer Mike Walsh, Marlborough Division, confer about a case.

Probation Officers John Fleming and Alice Pusateri, Norfolk Division, Probate and Family Court Department

L-R, at the probation conference, Probation Andrew Gassman, Wrentham Division, Chief Probation Officer Rita McCarthy, Dedham Division, and Probation Officer Mike Greenleaf, Wrentham Division.

Office of the Jury Commissioner

Operations Manager Brian McNally

1988 marked the completion of the most important task assigned to the Office of the Jury Commissioner (OJC) when prospective jurors arrived in the courthouses within the counties of Barnstable, Bristol, Dukes, and Nantucket. The expansion of the One-Day/One-Trial Jury System to all 14 counties of the Commonwealth, under the direction of the Supreme Judicial Court, had been completed. As mandated by C. 298 of the Acts of 1982, the phased-in implementation of the only statewide juror selection process of its kind in the United States proceeded throughout the Commonwealth's 351 cities and towns, eliminating all class exemptions, and allowing the opportunity for all citizens to serve as prospective jurors. Throughout the expansion process, the taxpayers of the Commonwealth realized a gradual increase in savings in juror expenses that has now reached an estimated $2 million, based upon a comparison of the new jury system versus the old one.

Jurisdiction. OJC is responsible for the summoning of jurors in the Commonwealth of Massachusetts. Under the One Day/One Trial system, which started in Middlesex County in 1979, juror service lasts for either one day or for the duration of one trial. This systems provides a better cross-section of ctizenry to appear as members of juries. OJC statistics have indicated that the average term of service averages three days or less. And there are no exemptions to jury duty; even judges are summoned.

Jurors are allowed one postponement. All citizens from ages 18 to 70 are summoned randomly by computer through census lists generated from the cities and towns of each county.

Jury Management. While completing the final phase of the expansion process in 1988, OJC initiated steps to begin the "fine tuning" aspect of jury management. These steps included the appointment of legal counsel for OJC, whose first task was to oversee the prosecution of delinquent jurors. This program, designed to ensure juror attendance and minimize juror delinquencies, was first tested in Middlesex County at Cambridge and will be expanded throughout the entire Commonwealth next year.

Computer programs have been developed that will allow immediate access to juror usage statistics for all courts, which should produce a more efficient utilization of jurors and assist with Civil Time Standards. Juror usage refinements will also assist our effort to reduce the numbers of jurors who appear at a courthouse needlessly. In addition, the creation of a SERVE/PURGE program, which cross checks those jurors who have previously served with those who are being summoned, should reduce the amount of complaints from those who have been re-summoned.

Three microcomputers were installed at OJC in 1988, and a host of programs was written for the Administrative, Data Processing, and Census Departments. In the Data Processing Department, computer programs can now be written on the microcomputer and, when perfected, directly transferred to the Trial Court mainframe, saving Trial Court computer processing time. Better statistical analyses of juror usage data and improved census material management are also products of the new microcomputers.

During 1988, computer programs were written, tested, and implemented that allow the new optical scanning equipment to be brought on-line. Although not fully operational until late in the year, this equipment, together with a newly-designed summons form, will reduce the amount of computer time involved in processing forms as well as the dollars spent in postage fees attributable to the larger size of the former summons package. Besides these savings, the use of optical scanning equipment at OJC will eliminate temporary personnel who manually entered the data.

During March 1988 the first annual training conferences for court officers assigned to several jury pools, sponsored by OJC, were conducted simultaneously in Dedham and Northampton. These conferences were designed to bring about a uniform standard of operation with regard to policy and procedural matters in all jury pools throughout the Commonwealth.

Throughout the expansion period, OJC has operated in cramped quarters, affecting its productivity. Operating out of rooms scattered throughout the six floors of the Middlesex County Courthouse in Cambridge, the office is plagued with overcrowding and the noise caused by the machinery that is used in processing forms. Plans are being formulated, with the guidance and cooperation of the Trial Court, to vacate the valuable court space absorbed by this office and move the office to larger and more efficient space. A target date for the move has been set for the summer of 1989.

Glossary

Administration—The management and settlement of an estate for someone who dies intestate (without a will) or someone with no executor. The court appoints an administrator to oversee the collection of assets, pay the debts and claims against the estate, pay estate taxes, and distribute the remainder of the estate.

Administrative Supervision—A type of supervision in which the primary purpose of the probation officer is the enforcement of the collection of monies and/or any other specific court orders made.

CHINS (Children in Need of Services)—A petition filed in a Juvenile or District Court by a parent, police officer, or a school attendance officer. The petitioner asks the court to intervene on behalf of a juvenile (age 17 or younger) in one of three instances: a runaway child, a disobedient child, and truant child. In a CHINS case, the court may place the child in the custody of the Department of Social Services.

Care and Protection—Alleges that a youngster fails to receive adequate physical and emotional care from his parents or guardian. The court may place the child in the care of the Department of Social Services. This petition is filed in either a Juvenile or District Court by any adult or the child himself.

Chapter 209A—Statute to prevent abuse by any family member. Upon petitionfiled by any person in a District, Probate and Family, or Superior Court, the court may order the defendant to stop abusing the plaintiff, order the defendant to leave the home, award the plaintiff temporary custody of any children, order the defendant to pay temporary support, and for the defendant to pay compensation for any injuries suffered by the plaintiff.

Conservatorship—A court action in which the court determines that a person cannot manage their finances due to age or mental weakness. Court appoints a conservator, who takes over the financial decisions for the person.

Disposition—The final outcome of a case.

DPW—The Department of Public Welfare.

DUIL—Driving under the Influence of Liquor, drunk driving cases.

DYS—Department of Youth Services.

Decree Nisi—The initial judgment of divorce, which can be vacated by the court before becoming absolute, 90 days after entry.

Equitable relief—A court action seeking an injunction to prohibit a party from taking some action or ordering them to do something, as compared to an action at law for a monetary damage award.

Filing—When a case is entered in court.

First instance jury trial—Under trial de novo the defendant chooses a jury instead of a bench trial.

Guardian ad litem—A court-appointed guardian of a juvenile.

Guardianship—A court action declaring a person incompetent to manage their personal and financial affairs due to mental illness or retardation. Court appoints a guardian for the person or may make orders regarding extraordinary medical treatment.

Irretrievable breakdown—A ground for divorce in which one or both parties claim that the marriage relationship has permanently broken down with no fault attributed to either party.

Juvenile Bindover—Chronic juvenile defendants or juveniles who commit violent crimes may be transferred to the jurisdiction of the Superior Court Department to be treated as adults. In Massachusetts, this transfer is referred to as a Juvenile Bindover.

MCI—Massachusetts Correctional Institution.

OCAJ—Office of the Chief Administrative Justice, 2 Center Plaza, Boston, MA 02108. Phone: (617)742-8575.

OCP—Office of the Commissioner of Probation, 4th floor, McCormick Building, Boston, MA 02108.

OUI—Operating Under the Influence. Drunk driving cases.

Partitition—A court action in which land owned by several persons is sold and the proceeds divided.

Risk/Need Supervision—A method of differential supervision used by probation officers in the Superior, District, Boston Municipal, and Juvenile Court Departments.

SJC—Supreme Judicial Court, 1300 New Courthouse, Boston, MA 02108.

Separate support and maintenance—A case in which a party seeks a court judgment that they are living apart due to the fault of one party but do not want a divorce. The Court usually enters a support order.

Surrender/Supervision violation notices—A probationer who commits a new offense or does not meet the conditions of probation ordered by the court may be brought back to curt for violation of probation. In these cases, a Surrender/Supervision Violation Notice is issued to the probationer to notify him/her that a hearing will be conducted concerning the violation.

Operations Supervisor John Cavanaugh, Office of Jury Commissioner